Book No. 1
24 Dec. 1864
To
4 Jan 1868
John W. Shaw

Daily Records of

**JOHN W. KERR**

Hamilton, Ontario
Fisheries Overseer and Inspector
Southern Ontario, 1864-1888

Presented to

ROYAL ONTARIO MUSEUM OF ZOOLOGY

by his son, Charles J. Kerr

VOLUME 1

Dec. 24, 1864 - June 4, 1865

Dec 31-1864 60 3 feb 1866

Flowing Page x 7 } 60, 1.00 Marshall
2 ea March 1866

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| | | |
|---|---|---|
| By cash paid R Brown & Co | 50 | 00 |
| By Cash to Mrs Kerr | 10 | 00 |
| By Cash to J B Matthews | 10 | 00 |
| By Cash to retire J J Hoson note | 100 | 00 |
| By Cash to Cosens the Taylor | 20 | 00 |
| By Cash to Snoddy | 4 | 00 |
| By Cash to Johnson | 4 | 00 |
| By Cash to Johnny | 5 | 00 |
| By Cash to Gordon the Smith | 5 | 00 |
| By Cash to Tom Sylvester | 5 | 00 |
| By cash paid Smith for flour | 20 | 00 |

233
220
13

Hon. H. B. Buell
M. L. C.

My dear Sir —

Any person who will walk up to the steps on the John Street Mountain, in the dusk of the evening and cast his eyes in the direction of Dundurn will observe a great number of lights burning all around the head of Burlington Bay. —

It appears this is done for the purpose of attracting the fish there (herring) which are taken nightly by thousands. —

Will you be pleased to recommend me to the Govt. to be appointed Local fishing Guardian for the United Lowering of Wentworth, and I will soon stop the illegal destruction of the fish at this improper season. —

Likely a little matter of trifling importance like this will be easily got for me, on your application and recommendation. —

Yours Sincerely,
John W Kerr

# DEPARTMENT

OF

# CROWN LANDS,

## FISHERIES BRANCH,

Quebec, 16th December 1864.

**JOHN W. KERR, Esquire, of Hamilton, is appointed a Fishery Overseer, under the Fisheries Act.**

All well-disposed persons are requested to afford him whatever information and assistance they can towards carrying out the Fishery Laws.

**A. CAMPBELL,**

*Commissioner of Crown Lands.*

1864. –
Dec 24. Posted up some of the Notices I received in order that the public may be in the possession of the fact of my appointment

---

Monday. 26th. Dec 1864. Proceeded to the Burlington Beach – found John Yaaffe and Alexander Rolla, resident there, with a large quantity of Sciscos Herrings in their possession in a Boat, – they have no License for Catching fish – the fish they had they were after selling to John Davis of Hamilton, fish dealer for the sum of 75¢ per Hundred. – The Sciscos are caught in Gil Nets – in about 20 fathoms water – 10 Miles North from the Beach and about 6 Miles east of the North shore of Lake Ontario – apprised these men of my appt and of my intention of submitting the matter to the Government, – posted some of the Notices I received went out at 9 o'clock A'm came in at 5 p'm – Miles 20 – had a Horse & sleigh – charge for same 1.50¢ feed 10¢

---

Sunday 25. X Chrismas day

---

~~Monday 26. Dec 1864. Being another holiday – did nothing~~

Sent to Quebec 14 Jan 1865

Tuesday – the 27th Dec 1864

Proceeded to Burlington Heights and around the Bay posted and put up Notices went out at 9. pm came in at 3. pm – Miles 18. Had a Horse and Cutter – charge for same – $1.50, – feed 10¢

Received a letter of my appointment together with a cheque on Montreal Bank for $45. that is to say

| | | |
|---|---|---|
| Salary – | $25. | |
| Expenses – | 20 | $45. |

Official cheque was No: 1472; –

Received the Amount $45 from the Montreal Bank (Teller)

---

Wednesday – 28. Dec: 1864. –

proceeded to the Burlington Beach had a long conversation with several of the Fishermen – who expressed their willingness one and all to pay $10 a year for their fishing ground –

Henry Potkins and

Jacob Creal – came in with their Nets had a small quantity of Sciscoes – they expressed their willingness to pay a small License for fishing for Same. –

John Corry. M. Van-Sickle and Mortimer Corry – came in with Philo Bates – Boat and Nets – had a large quantity of Sciscoes – and one Salmon Trout – Seized the Trout – and told them of my intention to bring them up – for infringing on the Law –

Sent to Quebec 14. Jan 1865.

Noticed almost all the fishermen of my appt on the Beach — went out at 8, did come in at 5. pm. Miles 18 — had a horse and Cutter — charge 2.

Names of fishermen on Beach willing to pay a Small License of 15 a year —

| | | |
|---|---|---|
| Joseph Berry | 1 | |
| Thomas Armstrong | 2 | |
| Wm Potkin | 3 | |
| Aaron Fletcher | 4 | |
| John Myers | 5 | |
| Dan McGuirn | 6 | |
| Benjn Folds | 7 | |
| Frfd Co. Coory | 8 | Coory 1 |
| Coory | 9 | |
| Widow Coory | 10 | |
| Benjn Jarie | 11 | 14 |
| Widow Mrs Baldry | 12 | and Myers |
| James Waddele | 13 | |

Names of persons who fish and pay no License —

| | | |
|---|---|---|
| Philo Bates | 1 | |
| John Bates | 2 | |
| Alex Rolla | 3 | — |
| John Laaffe | 4 | — |
| Chas Dean | 5 | — |
| Benj Folds | 6 | — |
| Widow Anderson | 7 | — |
| Jacob Coreal | 8. | |

County of Wentworth.

Local Fishery Overseer's Office,
Hamilton, C.W. 28th. of Dec 1864.

Sir,

I Have the honor to acknowledge the receipt of my appointment as Fishery Overseer for this County - together with Envelopes - Notices for posting up and copy of instructions as laid down by Law for carrying out the same. —

Also a cheque for $45. Salary and expenses in advance — ~~for which~~ please receive herewith Receipts in duplicate ~~&c &c~~, accompanied with my best thanks to you. —

I Have the Honor to be,
Sir
Your Obt. Servant.
John W Kerr
Fishery Overseer
Local of Wentworth

The Hon^ble
The Commissioner
of Crown Lands
Quebec

Mailed said letter this 29 of Dec 1864
John W Kerr

1864. Thursday

Dec. 29. Proceeded to Hamilton — took out a summons for Philo Bates, Mortimer Lowry — John Lowry — and M. Vansickel — for having a salmon trout in their possession at Burlington Beach on 28th instant, in contravention of the Fisheries Act. — went out 10. Am. Came home at 3. p. m — Miles 6 — charge for Horse & Cutter 1 —

Friday

Dec 30. proceeded to the Beach and served Philo Bates — Mortimer Lowry John or Jonathan Lowry and M Vansickel with a summons for having a salmon trout in their possession — Went out at 9. o'clock Am came in at 3 pm — Miles 20 — Horse & Cutter 2 dollars —

Sent to Quebec 14 Jan. 1865.

County of Wentworth.

Fishery Overseers Office.—
Hamilton — Canada West,
31. of December 1864.—

Sir:

I Have the honor to report for your Consideration and approval — the following facts. — —

On proceeding to Burlington Beach on the 26th and on the 28th instant, I found persons actively employed landing their fish whose names I have taken down.—

This fish is known and designated by the name of Scisco — and is a species of the Herring tribe, and were only discovered about 3 years ago. — — They are Caught in 20 fathom deep water with gil Nets — say 12 Miles out from the Beach in Lake Ontario, and only at this particular season of the year — where they congregate to spawn. — —

I send you a Mesh of the Sizes Net they are taken with — and I would respectfully ask you to empower me to demand and receive from the persons thus engaged a small yearly rental for the privilege they enjoy in fishing and trading in this particular tribe. — —

The fish dealers pay 75¢ per One hundred for them at the Beach, and the take is at present good. —

In page 5, clause 26, of the Fishery Act, which I had the honor

to

to receive from you for my guidance the net used in catching these fish, would be illegal thus

But before I would enforce the Law against the persons so offending, I consider it to be my duty to submit the matter to you and be guided wholly by your instructions. —

I Have the Honor to be,
Sir
Your Obedient Servant,
John W Kerr,
Fishery Overseer

The Hon.ble
The Commissioner
of Crown Lands,
Quebec

Total Charges ending 31st of December 1864 —

| | | | | $ ¢ |
|---|---|---|---|---|
| 1864 | December | 26th | Horse & Hostler & | 1,60 |
| | " | 27. | — do. — | 1.60 |
| | " | 28. | do. | 2.00 |
| | " | 29. | do. | 1.00 |
| | | 30. | do — | 2.00 |
| | | | Total — | $ 8.20 ¢ |

This after - sent to the auditor 24 Jan 1865 JWK

I Certify that the foregoing is correct and that eight dollars and twenty cents are the real charges incurred by me on these occasions referred to. —

John W Kerr —
F. O'Brien

Hamilton 31 Dec 1864.

# County of Wentworth, -

Journal shewing the number of days actually employed by John William Kerr, fishery Overseer for the said County, commencing on the 23rd ~~day of December~~ and ending on the 31st day of December 1864. -

| Day and Date. | Particulars of duty performed. -- each day. - |
|---|---|
| Monday, Dec: 26, 1864 | Proceeded to Burlington Beach - found John Yaaffe, and Alexander Rolla - resident there with a large quantity of Sciscoes (herring) in their possession in a Boat - they have no License for catching fish, the fish they had, they were after selling to John Davis of Hamilton, a Fish dealer for the sum of 75¢ per one hundred - |

The Sciscoes are caught with gill nets, scarcely one and a quarter inches square - in about 20 fathom water 10 Miles north from the Beach, and about 6 miles south east of the north shore in Lake Ontario. -

Apprised these men of my appointment, and of my intention of submitting the matter to Government. posted up some of the Notices I received from the Hon^ble The Commissioner of Crown Lands, Went out at 9, Am. came in 5 o'clock pm. 8 Hours absent - Miles 20, - charge for Horse & Cutter, 1.50. feed for horse 10¢ - Total - $1.60.

1664.

Tuesday Dec 27. Proceeded to Burlington Heights and around Burlington Bay — posted up Notices apprising the public of my appointment, went out at 9. o'clock. And came in at 3. o'clock, p. m. Hours absent 6 — Miles 18. — charge for Horse & Cutter, $1.50 horse feed — 10¢ — Total $1.60. —

Wednesday, 28, proceeded to Burlington Beach — ~~had~~ conversed with several of the Fishermen — who expressed their willingness to pay ten dollars a year for their fishing ground. —

Henry Potkins and Jacob Leach, came in with their gill nets, and boat, remonstrated with them for fishing with an illegal net — they expressed their willingness to pay a small rental or licence if permitted ~~to fish seiscos~~ — continue fishing for seiscos. —

Mortimer Loney — Jonathan Loney and Melvin Vanicklin came in with ~~their~~ ~~William~~ Philo ~~and John~~ Bates gill nets and boat — they had a ~~quantity~~ Cause of seiscos (about 1500) and one salmon trout about 5 lbs weight, I seized the Trout, and informed them of my intention to bring them up before a Magistrate for infringing on the Fishery act — went out at 8. Am. came in at 5. p. m. — Hours absent 9 — Miles 18 — Horse and Cutter — $2.00.¢

Thursday
December. 29. Proceeded to Hamilton - lodged complaint against Philo Bates - Mortimer Lorey, Jonathan Lorey, and M. Vansickle for having taken a Salmon Trout - which they had in their possession at Burlington Beach on the 28th inst. in Contravention of the fishery act. - took out summonses for the said persons to appear before James Leahile Esq. Police Magistrate on the 4th Jan. next - went out at 10. a.m came in at 3. p.m. Hours 5 - Miles 6 - charge for Horse & Cutter $1.00

Friday - 30. Proceeded to the Beach and serve Philo Bates, Mortimer Lorey, Jonathan Lorey, and M. Vansickle with summonses - for having in their possession one Salmon Trout about 5 lbs weight on the 28th inst. which they had taken & caught in Contravention of the Fish act - I went out at 9. a.m came in at 3. p.m - Hours 6 - Miles 20, Horse & Cutter $2.00 -

Total charges -

| | | | |
|---|---|---|---|
| December | 26th | Horse & Cutter &c. | $1.60. |
| | 27. | " " | " 1.60. |
| | 28. | " " | " 2.00. |
| | 29. | " " | " 1.00. |
| | 30. | " " | " 2.00. |
| | | Total, | $8.20 |

I Certify that the foregoing is Correct - and that eight dollars and twenty cents are the real charges incurred by me on the occasions referred to. - Witness

[illegible]

Chapter 3. Consolidated Statutes of Upper Canada. — ~~Territorial Division Act.~~ — Section, 5. — The Magte

County of Wentworth,

Fishery Overseers Office
Hamilton Lake, West. —
2d of January 1865,

Sir —

I have the honor to submit to you the Names of the Legitimate fisherman resident at Burlington Beach — who until recently I heard, paid the Government 20$ dollars a year for their fishing ground.

This amount was always considered by them as exorbitant — and I believe it sometimes oppressed them to pay it. —

I would most respectfully submit for your approval — that the Lease, be again returned — but that instead of 20$ dollars; the amount be fixed at ten dollars, a year for one year; — payable in advance; the year to commence on the 1st day of January, and end on the 31st day of December 1865. —

If empowered by you I will, I believe have no difficulty in collecting from each person named below 10$ dollars which I can forward to you or I can deposit it in the Montreal Bank here, to the credit of your acct; just as you may order me.

Names of Legitimate Fishermen &c,

1 Myer Loney
2. Joseph Berry
3. Thos. Armstrong
4 Wm Potkin
5 Aaron Fletcher
6 John Byers
7. Dan McGuire
8. Benjn Folds.
9. Fred C. Loney.
10. — Loney
11 Wid: Loney
12 Benjn Joyce
13. Mr Bellerby
14. James Wardlaw

I have also the pleasure of submitting to you the Names of men who fish with gil nets, for Salmon Trout, White fish, and Sciscoe in Lake Ontario, but who have never paid any License; and from these persons I believe I will be able to collect a small yearly rent= al also. — — —

1. Philo Bates
2. John Bates,
3. Alex: Rolla
4. John Taaffe
5. Andw Olson
6. Wm: Anderson
7. Jacob Cheal,

If it meets with your approbation I would feel obleged by your extending my jurisdiction to the Mouth of Niagara River — it would be perhaps about 14 Miles beyond the present limits that you have been pleased to locate me to. —

Not Knowing, but that I have juris= diction there — several persons have already applied to me for Leases in that Lo= cality — and from the reports in circula= tion of Niagara being the best and most profitable fishery on Lake On= tario: — I will if ordered by you — Move down there — make an examina= tion, and report to you the result, also how the Beach there can be laid off to the best advantage, so as to be made available in bringing

in to Government, the largest amount of Revenue.

In submitting the foregoing to you, for perusal and approval – I am prompted by a desire of having this Branch of wealth ("the fishing under me") become a source of Revenue. –

Hoping you will pardon me for trespassing on you. –

I Have the Honor, to be,
Sir
Your obedient Servant,
John W Kerr
Fishery Overseer

The Hon^ble
The Commissioner
of Crown Lands

Fisher

1865.
Jan: 4.

Proceeded to Hamilton, and attended before James Leahile Esq.
J. P. Police Magistrate — before whom I had summoned up — Mortimer Lorey, Jonathan Lorey, Melville Vansickle and Philo Bates — for having in their possession on the 28th ult.o at Burlington Beach — One Salmon Trout — about 5 lbs in weight — Mortimer Lorey, Jonathan Lorey and Melville Vansickle were fined eight dollars each and costs — while Philo Bates was allowed to go free. —

Went out at 8. Am. came in at 12. Noon — Miles 6. — charge $1.—

Made the following report to the Hon.ble The Commissioner of Crown Lands at Quebec

the 4th of Jan: 1865.

and on the 5th of January 1865 —

Paid for on

| | |
|---|---|
| paper — | 25¢ |
| Ink | 12½ |
| Envelopes | 25 |
| Quill | 12½ |
| Pocket Diary | 75¢ |
| 2. dinner | 50 |
| Total | $2.00 |

County of Wentworth.

Fishery Overseers Office
Hamilton - Can: West.
4th of January 1865.

Sir

I have the honor to report for your information - that on the 28th ultimo, I proceeded to Burlington Beach - and found in the possession of Montimer Corey, Jonathan Corey, and Melville Vansickle, fishermen - resident there - One Salmon Trout about 5 lb weight - which they had accidently caught in their Cisco Net.

I brought them before James Cahill Esqre J.P., Police Magistrate here to-day, and he fined them eight dollars each and costs, -

Mr Cahill has allowed them ten days to pay in the fine, so as to enable them in the mean time to petition His Excellency - The Governor General to remit the same. -

I Have the Honor to be,
Sir,
Your obt Servant,
John W Kerr
Fishery Overseer

The
Hon.ble
The Commissioner
of Crown Lands
Quebec

5th January 1865.

Proceeded to Burlington Beach by way of the Hamilton P. Office - Mailed a letter to The Hon: The Com: of Crown Lands at Quebec - reporting the result of the proceedings before James Cahill Esq. Jr. ag'st Melo Corey & Co. -
Warned people on the Beach not to cut down the oak trees there - also warned them ag'st spearing went out at 10. A'm came in at 4 pm Mil 24 Charge for Horse & Cutter & feed $2'00. -

1865.
6th of Jany. proceeded to Burlington Bay. (the wharf) found 4 persons named Andrew Jones James Williamson, Wm. McGillivray and James Sullivan - in small spearing boxes ordered them to take them away immediately - as spearing is prohibited - a man named Gillespy owned one of the boxes - sent him a Notice - went out at 9. o'clock. A'm - came in at 2. p. m. - Miles 8 - charge for Horse & Cutter 1 - dinner 25 ¢

Monday – 9th of January 1865.

proceeded to Burlington Heights – thence by the Flamboro Road to Dundas – down through the Marsh – posted Notices – one on Same for = Sytles trapping House – went out at 9. am came in at ½ past 4, Miles 26 – charge for Horse & Cutter $2½ – paid for tolls 5¢ on Flamboro Road and 10¢ on Dundas Road – came home by Hamilton wharf – saw 7. fish boxes on the Bay – and No = ticed them off. – – –

Tuesday. – 10th January 1865.

proceeded to Burlington Bay – accom = panied by Lieut. McLogan – demolished 5 fishing boxes – found a person name John Williamson with a spear in one of the boxes – Henry Yealam came there and I allowed him to take away another box he having pleaded ignorance respecting spearing – went out at 9. a'm came in 12½ p'm – Miles 12 – Horse & Cutter $1½ – Reported this matter to James Cahill Esq. Chief Magistrate Hamilton – and after concurring together – he considered it was not advisable to summon either of the persons up. –

Wednesday — 11th January 1865.

proceeded to Burlington Beach — found Mortimer Leary — Jonathan Leary — and Melvin Van=siekle engaged taking Siscoes out of their Nets or in truth out of the Net, owned by Mr Wm Bates, John Bates and Philo Bates — they had caught they stated to me about 1200, Siscoes — Old Mr Potkins was present —

John Haaffle, and Alex: Rolla — came in with their Boat and Net — while I was there they caught about 1500, Siscoes

Henry Potkins and Jacob Lesvole were also out for their Nets — but did not come in — while I remained there — Charge for Horse & Cutter 2$ — 5¢ for an inch and half measure — went out at 9. am — came in at 4½ pm — Miles 20 — being obliged to come home by Hamilton — the Road up Mountain be=ing blocked up with Snow —

Thursday – the 12th January 1865.

proceeded to Hamilton – and made complaint to James Leahile Esq. police Magistrate – as follows – against William Bates – John Bates and Philo Bates – for that you did on the 28th day of December – and on the 11th day of January inst. did employ Mortimer Lacey – Jonathan Lacey and Melvin Vansickle at Burlington Beach in said County to fish for and did fish and catch Sciscoes or herring salmon – a species of white fish – with an illegal net ~~your~~ the property ~~in contravention of the fishery's Act~~ – of Wm Bates John Bates and Philo Bates – in contravention of the fishery Act – dismissed for want of Jurisdiction. –

John Wilkes

Against – Mortimer Lacey Jonathan Lacey, and Melvin Vansickle for that you did on the 28th day of December last, and on the 11th day of June inst. at Burlington Beach, in the County aforesaid – fish for and catch a large quantity of Sciscoes – or Salmon herring – a species of white fish – with a net having ~~illegal~~ illegal meshes in contravention of the fishery Act –

dismissed for want of Jurisdiction,

John Wilkes

Continued, —

Against —

Henry Potkins and Jacob Creel for that you ~~did~~ on the 26th day of December last at Burlington Beach in the County aforesaid did fish for and catch a large quantity of Scisco or Salmon herring — a specie of white fish with a net having illegal meshes — in contravention of ~~the~~ fishery Act. —

dismissed for want of Jurisdiction. —

John W Kerr
" "

Against —

John Laffe and Alex: Rolla for that you on the 26th of Dec: last at Burlington Beach in the County aforesaid — did fish for and catch a large quantity of Scisco or herring Salmon — a specie of white with a net having illegal meshes — in contravention of the fishery Act. —

dismissed for want of Jurisdiction. —

John W Kerr
" "

1865. Charges —

| | | | | $. | ¢. |
|---|---|---|---|---|---|
| 4. January | 1865. | | Sundries &c | 2, | 00, |
| " | " | " | Horse & Cutter, — | 1, | 00 |
| 5th " | " | " | do, — | 2, | 00 |
| 6th " | " | " | do, — | 1, | 25, |
| 9th " | " | " | do. | 2, | 15, |
| 10th — | " | " | do, | 1, | 50 |
| 11th " | " | " | do. — | 2, | 05 |
| 12th — | " | " | do, | 1, | 25 |
| 13th " | " | " | do. — | 2, | 20 |
| " | dinner | | | —, | 25 |
| | | | | $ 15, | 65. |
| Amount in Dec. aftd for | | | | 8, | 20 |
| | | | | $ 23 | 55, |
| Recd from depart. 16, Dec. | | | | 20, | 00 |
| due to me on 14th Jan/65 | | | | $ 3, | 55, |
| 14th " January — extra | | | — " | 1, | 00 |
| 19th " Horse & Cutter & dinner | | | | 1 | 25 |
| " Waddell — | | | | 3, | 00 X |
| 16th " Horse & Cutter — & dinner | | | | 1, | 25 |
| 19th " Horse & Cutter & dinner — | | | | 1, | 25 |
| 20th " do — | | do — | | 3, | 25 |
| — Waddell defending Case and two appeals — | | | | | X |
| 21st Horse & Cutter & dinner | | | | 1 | 75 |
| 23rd " do — | | do — | | 2, | 00 |
| 25th " do — | | do — | | 1, | 50 |
| 26th " — do — | | do — | | 2, | 00 |
| 27th " do | | — do | | 1, | 50 |
| 28th " — do | | — do | | 1 | 25 |
| Total, — | | | | $ 32, | 05 |

Friday - 13th Jan 1865.

Proceeded to Hamilton - and served John Laffe, Alex Rolla with summons, see back to 12th inst, —

Also served Martin Leary, John Leary, and M. Vansickle - with summons, see back to 12th inst. —

Also served Philo Bates with a summons, see back to 12th inst. —

Proceeded from Hamilton to B. Beach served with Wm Bates & John Bates with a summons - also Jacob Creel and Henry Perkins - see back to 12th inst.

Constable Co. McLagan accompanied me went on the Ice on the Bay demolished 3 spearing boxes in front of John Dyson — took a spear from Henry Creel - who at first denied his name - saw him at Cornie's house - found another spear in one of the boxes - proceeded around the Bay by the Canal - found Duncan McFallows fishing with an illegal net - he had a large quantity of herring - went on the Ice west of the Canal - and demolished two other fishing boxes, — and the owners of two other boxes came out who had not been previous warned - gave leave to take them away - which I granted

Went out at 9. a.m. came in at 8. pm - Miles 22, charge $2, paid 10 tolls 10¢ —

* Reported the matter to James Cahill Esq. a conviction could not be enforced as the

County of Wentworth.

Fishery Wardens Office
Hamilton —
14th January 1865

Sir,

I have the honor to acknowledge the receipt of your letter of the 9th inst. and in reply you will please find herewith my journal ending 31st day of Dec 1864, together with Receipts in duplicate amounting to eight dollars and twenty cents, I have in compliance with your instructions left the blank spaces in the receipts to be filled up in your office —

I hope my journal will be found to meet your approval — I have not made any personal charge as you will observe —

I Have the Honor to be
Sir
Your obt Servt
John Oakes
J. Oakes

To
The Honble
Com: of Crown
lands Quebec

County of Wentworth —

Fishery Overseers Office,
Hamilton
14. January 1865. —

Sir, —

In reply to your letter of the 7th inst, I have the honor to report that I have summonsed up ten of the fishermen at Burlington Beach for fishing for Scisco with an illegal net in contravention of the statute — Their Names are as follows: —

1. Henry Potkins, 6. John Bates,
2. Jacob Creel, 7. Phila Bates,
3 John Laaffe, 8. Martin Coney,
4. Alex: Rolla, 9. Jonathan Coney,
5. William Bates, 10. M. Mansiakle. —

Those cases will be disposed of on Tuesday next by James Cahill Esqre J. P. when I hope I will have the honor to report to you the result.

I Have the Honor to be
Your Obt Servt
John O'Leary,
F. O.

To
The Honble
The Commissioner
of Crown Lands,
Quebec,

County of Wentworth

Fishery Overseers Office
Hamilton —
14. January 1865. —

Sir.

I have the honor to report for your information that I proceeded to Burlington Bay — on the 10th inst. accompanied by one of the City policemen and demolished five Spearing boxes — placed there on the Ice for the purpose of accommodating persons in spearing fish —

I took up a Spear from a person named John Williamson, a Skedaddler. —

On yesterday I again proceeded to Burlington Bay — adjacent to the Beach and demolished five other spearing boxes placed there on the Ice for a similar purpose — I took up two Spears, but I found no fish —

I was obliged, after repeated warnings to resort to this prompt measure & so put a final stop if pofable to the Spearing — and which I hope will meet your approbation. —

I Have the Honor to be
&c. &c.
John Vickers
F. O.

To
The Honble
The Commissioner
of C. L. &
Works.

Saturday - 14th Jan 1865,

Employed - Making out my journal for December 1864. - Wrote three letters to The Hon: the Commissioner of Crown Lands - Quebec - commenced at 9. am finished at 4. pm Miles 6 - having to down to Hamilton and Mailed the same Mileage H & C - $1. -

County of Wentworth,

Fishery Overseers Office,
Hamilton
16th of January 1865,

Sir,

I have the honor to apply to you, and hope that you will be pleased to fix for me, a daily personal allowance when employed on active duty,

Not knowing what amount to charge or what amount in fairness, per day, would be allowed by the Fishery Branch of the department, as extra pay for disbursements – I merel put down the actual outlay for Horse hire – in my journal sent you on the 14th inst, –

I Have the Honor to be,
Sir
Your Obedient Servant
Lohn W. Kerr,
F. O.

To,
The Hon^ble
The Commissioner
of Crown Lands.
Quebec,

County of Wentworth,—

Fishery Bounties office,
Hamilton,—
16th of January 1865.

Sir,

I am in receipt of the Report of the Select Committee on the Working of the Fisheries Act: and for which I have the Honor to express to you, my grateful thanks.—

I have the Honor to be,
Sir
Your obt. Servant,
John W Kerr
J. P.

To
The Hon^ble
The Commissioner
of Crown Lands,
Quebec,—

County of Wentworth. –

Fishery Overseers Office
Hamilton
16. January 1865. –

Sir,

With reference to the last paragraph in your letter to me of the 9th instant, you are pleased to say: "At "Burlington Beach parties who owe arrears under Leases and Licenses are about "being sued for the recovery of the same". –

Will you be pleased to send me a List of the Names of the persons in debt to your Branch of the department, with the amount under this head; – and empower me to collect it; But please do not have resort to Law thereon entailing greater expense, until you are pleased to allow me to make an effort in your behalf. –

I Have the Honor to be,
Sir
Your Obt. Servant
John Weir
J. O.

To,
The Honble
The Commissioner
of Crown Lands.
Quebec

County of Wentworth,

Fishery Overseers Office,
Hamilton,
16th of January 1865.

Sir,

With reference to my letter to to you of the 2d inst. asking you to em= power me to collect from each fisherman at Burlington Beach, a small annual rent of ~~ten~~ dollars or whatever less amount you may fix - to be paid in advance for ~~the~~ year 1865. —

My attention has again been called to this subject on reading the instructive answer given by Mr Whitehes - page 49, Report of Select Committee &c, "regarding our "System of Leasing and renting fishery Sta= "tions in Upper Canada —

I fully endorse his able and intelligent answer - I was induced in the first place under strong impressions made upon my mind founded in fact - to submit ~~the~~ same for your consideration and ap= proval: My Knowledge of the present high rate charges for material to make and mount nets - coupled with the scarcity of White fish, Salmon Trout &c, &c, &c, at Burlington Beach - caused by being caught in season & out of season with improper and illegal nets as compared with the take of these fish in former years; to make that applic=

Cation

courtesies to you. —

But I would not allow any person, to fish "Scots free"; all should in my estimation pay a little annually — which little! could be always regulated by the Head of the Fishery department at Quebec. —

I Have the Honor to be
Sir
Your obedient Servant,
John Wiker
" " " "
Fishery Overseer

To
The Hon^ble
The Commissioner
of Crown Lands —
Quebec.

1865
Jan^y 17th Proceeded to Hamilton — to attend the Enquiry held before James Cahill Esq^re J.P. against John Bates &c. &c. &c. &c. &c. &c. &c. — the Case was adjourned from 9 a.m. until 3 p.m. — attended at 3 p.m. when the Case was gone into — See my letter of 19th instant on the subject — went out at 6 a.m. came in at 5 p.m. Miles 6. — Horse & Butter $1 — dinner 25¢ — — Mr R. R. Waddell charge $3.

County of Wentworth,

Fishery Overseers-office
Hamilton,
14th of January 1865.

Sir,

I Have the honor to report, for your information that the cases against John Bates, Philo Bates, and William Bates three of the ten persons whom I have re=presented to you, on the 14th instant, as fishing with an illegal net, came up for hearing before James Cahill Esqre J.P. this afternoon. - -

Mr Charles A. Sadlier - solicitor, ap=peared for the defendants, and I employ=ed Mr R. R. Waddell - to prosecute the Case. -

Several objections were raised on behalf of the defendent - the first that I could not be a witness - as half of the fine in case of Conviction, would come to me. - the objections were all overruled by the Magistrate. - - -

The evidence was proceeded with; it was represented by Mr Sadlier that ac=cording to Chapter 3 - Consolidated statute of Upper Canada, Section 5 - The Magis=trate had no jurisdiction - the offence as they alleged being in the water opposite an adjoining County, altho as proven the place of departure, and return was from Burlington Beach: Should the offence be brought by me, to the County of Halton - then I presume there would be no means of proving where the offence

was committed, whether in one County, or the other. —

The Magistrate at the request of Mr Waddell, postponed the case. —

I have now the honor of applying to you, to have James Leahile Esq^re J. P. of the City of Hamilton, and Peter S. Wagner Esq^re J. P. of Saltfleet Burlington B^ch appointed Magistrate for the County of Halton — they are at present Magistrate for Wentworth, and I will then be able to convict these ten persons, and thus meet these flimsey objection raised solely for the express purpose of defeating the ends of Justice — otherwise these Cases may perhaps be dismissed altogether. —

I Have the Honor to be
Sir
Your Ob^t Servant,
John O. Kerr.
J. P.

To,
The Hon
Com: of Crown Lands
Quebec

County of Wentworth.
Fishery Overseers office -
Hamilton -
21. of January 1865.

Sir,

I have the honor to report that I was summoned yesterday before a Magistrate of this County - see copies herewith, who convicted me - guilty - but I appealed against his decision - which I am satisfied will be set aside by a jury, -

I may perhaps have acted hasty in tearing down the Spearing box, but the owner Duncan MacGillivray had no right or authority to place it there for Spearing purposes - I believe it was as much my duty to remove these Spearing boxes, as it would be to take away gill nets or any other net I found in Burlington Bay for a similar purpose, -

The result of all this is most satisfactory - as well as pleasing - for after a careful examination made by me to-day not a spearing box is to be found either on Dundas Marsh or Burlington Bay, altho' at this same period last year, more than 100 spearing boxes dotted the same -

I Have employed Mr R. R Waddell to defend, and prosecute all these cases; which I hope will meet your approval.

I Have the Honor, to be
Sir
Your Obt. Servt,
John W Kerr
J. P.

To,
the Honble
Commsr
of C Lands
Quebec

21. January 1865,

Sir. I have the honor to report – that the fishermen, at Burlington Beach – at least – the greater number of them – as I am informed have combined together – subscribed money to carry on the war agt the Fisheries Act –

Mr C. A. Sadlier, is employed on their behalf – As you have instructed me, I am determined to haul them up whenever I find them acting contrary to this Act –

All sorts of bad names and threats have been used agt me – but I am not alarmed! – I will not be deterred by threats nor entreaties from doing my duty, –

Mr William Bates, whose name you will find in my letter of the 19th is a Magte. Philo and John are his brothers "The Act, the Corps & Co caught the Trout "With are their property" They fish where they like, when they like; and how they like, and I have been informed that John Bates says! no Law shall prevent him continuing to do so. —

I Have the Honor to be
&c: &c, &c,

John W Kerr
J. P.

Hon:
Commissioner
of Crown Lands
Quebec

21. January 1865,

Sir — I have the honor to report, that on the 13, instant, I found Duncan MacGillivray, in the act of taking a large quantity of Seines out of his net at Wendington Beach — he refused to tell me his Name, but the Constable who accompanied me found it out from him afterwards — the Net was scarcely 1¼" inches, instead of 1½" inches square — I complained of him to James Cahill Esqre J. P. Police Magistrate Hamilton.

He and I consider that until Magistrates are appd to have jurisdiction in Hatley as well as Wentworth — it would be a useless expenditure of time and money to bring him up for this offence —

The Constable can prove this Case, and a Conviction is sure and I will not be again haunted with having an interest in the fine — Duncan MacGillivray is the same person named in the summons issued against me by J. W Hopkins Esqre J. P. —

I Have the Honor to

The Hon
Commissioner
Crown Lands
Quebec

I W Kerr

21. January 1865.

Sir, I have ascertained that there is very few legal nets used at this present time, "nor since the McLennan's discharge" at Burlington Beach.—

Had I the same power given to me, that my predecessor had — I would seize all their illegal nets on view — whenever I caught them in the act of fishing or taking their fish out of such an illegal net.—

For the next few months I expect to have my hands full with the illegal netting, on Burlington Bay, and Burlington Beach — and if it meet the approbation of the Head of the Fisheries Branch — I would like to have my hands strengthened, so as to be able to meet every emergency that may arise.—

I Have the Honor &c.

John W Kerr
F. O.

The Hon
The Commissioner
of Crown Lands,
Quebec.—

21. January 1865,

Sir, With reference to the annexed Summons – I have to submit, that on the 13, instant, as reported to you on the 14th, I proceeded to Bulington Beach, accompanied by a policeman – we observed the person named in this Summons out on the ice on the Bay, beside a spearing boy, with a pole in his hand, which afterwards on coming up with him; proved to be a fish spear with 7, prongs, 13 feet long = On coming up to him I demanded the spear, and the little fish used for spearing purposes, which he gave me upon – Hence the Summons to appear before the Magte.

I had the boys father summoned for fishing with an illegal net – see his name Jacob Lenel or Kiele in my letter to you of the 14th instant. –

His Case with others was postponed, afterwards dismissed; for want of jurisdiction; as reported to you on the 17th instant,

I Have the Honor &c

John W Kerr
J. P.

To The Hon
The Commissioner
Crown Lands
Toronto

Province of Canada, County of Wentworth.

To, John W. Kerr Esqre of Barto
in the County of Wentworth.

Whereas complaint hath this day been made before the undersigned One of Her Majesty's Justices of the Peace in and for the said County of Wentworth for that you did on the 13th day of January instant, on the ice on Burlington Bay near the Burlington Bay Canal in the said County of Wentworth, tear ~~down~~ to pieces and destroy a fish House the property of Duncan MacGillivray of Saltfleet, and that he has thereby sustained a loss of Twelve dollars. — —

These are therefore to command you in Her Majesty's name to be and appear on Friday the 20th day of January instant at the hour of two o clock in the afternoon at Frederick Corey's Hotel on Burlington Beach in the said County before me or such Justices of the Peace for the said County may then be there to answer to the said complai and to be further dealt with according to Law.

Given under my Hand and seal this 18th day of January in the year of our 1865, — at Saltfleet in the County of Wentworth aforesaid. —

Signed, J. W. Hopkins (Seal)
J. P. —

A true Copy, —
John W. Kerr

Canada
County of Wentworth.

To, John W. Kerr Esqre of Barton, in the County of Wentworth. — —

Whereas complaint hath this day been made before me the undersigned one Her Majesty's Justices of the Peace and for the said County of Wentworth for that you did on the 18th day of January instant on Burlington ~~Bay~~ Beach in the said County and on the travelled Highway take by force from the person and out of the hands of William George Krell — a fishing Spear and pole of the value of two dollars, and did carry the same away with intent to keep the same. — —

These are therefore to command you in Her Majesty's to be and appear on Friday, the 20th day of January instant, at the hour of three o'clock in the afternoon at Frederick Corey's Hotel on Burlington Beach in the said County before me or such other Justices of the Peace for the said County, as may then and there to answer to the said complaint and to be further dealt with according to Law. — —

Given under my hand and seal this 18th day of January in the year of our Lord 1865, at Stoney Creek, in the County of Wentworth aforesaid. —

Signed — J. W. Hopkins, — (Seal)
J. P.

A true Copy. —
John W. Kerr.

To J

Wednesday – 18th Jany 1865. –

Proceeded to Hamilton, – and consulted with James Cahill Esqr. J.P. Police Magistrate – on the proceedings of the previous day – went out at 9. am. came in at 3. p.m. – Miles 6. – charge £1. – dinner 25s. – –

was served with two summonses at the suit of Duncan MacGilvray and Wm Henry Kiell – this evening at 10 p.m.

See copy of summonses herewith. –

Thursday 19th of Jan; 1865.

Proceeded to Hamilton, employed Mr R. R. Waddell, – to defend the case brought agst me, – and to appear at J. Crays at Burlington Beach on Friday the 20th inst. Saw Mr P. S. Van-Wagner who informed me he would not interfere in the case as the Fishermen were acting wrong he had seen the Net which was scarcel 1¼" mesh. Hopkins whom I saw postponed the case until 4. pm – went out at 9. am came in 3 pm Miles 6 – H4C £1 – Dinner in town 25s

Friday - 20 6/3 Jany —

proceeded to Hamilton — thence to Burlington Beach — to appear before the Magistrate, J. W. Hopkins J. P., had to wait for Con: MacLagan who was absent on duty — for particulars see my letter to the Hon.ble The Com: of Crown Lands —

Mr R R. Waddell ably defended the case — an appeal was entered agt the Magistrate's decision —

Went out at 9. Am came in at 8. p. m. Miles 22 — Hrse Hutter 3/4 — dinner 25 ¢

Sat: 21. Jany 1865.

proceeded to Burlington Heights & Dundas Marsh — took a survey of the B. Bay and the Marsh not a Spearing boy, to be seen, Went out at 9. Am came in 3. p. m Miles 12. charge 1.50. dinn 25¢ see my Report on the Subject. —

Sir,

23rd January 1865.

Fred^c Lorey, a legitimate fisherman B.B. applied to me to-day to return to him a spear which I found in a spearing house on the 13. inst. as already reported to you and which he acknowledges belongs to his son.—

I found the spear in the spearing box or house and a rock bass therein, with a hole in its back, it evidently had been speared, its gut protruded through the hole a quantity of blood was on the Ice, as if a slaughter of fish had taken place there.

Lorey — told me if I did not give up the spear — "as his son was going up to Lake Huron and wanted to take it with him" — Mr C.A. Sadler had directed him to sue me for its value — My own mind says let him sue away! — but in such matters, I am wholly under your guidance, and therefore respectfully ask you what shall I do in this matter.

I Have the Hon
&c &c &c
John Ross
J.P.

The Hon
the Commissioner
of Crown Lands
Quebec

Sir, 23. January 1865.—

I would most respectfully suggest for your information and approval the propriety of having me inspect the Nets of the legitimate Fishermen at Burlington Beach.—

And that I forward to you a Certificate of the legality of the Nets for your approval:— and that no man henceforth get his License renewed — until such Certificate is obtained showing that the applicant has Conformed with the Fishery Act.—

I Have the Honor

&c, &c. &c.

John Ker
F. O

The Hon
The Com of
Crown Lands
Quebec

23. January 1865.

Sir, I have just returned (5. p. m.) from B. B., and I found that Seine fishing there, is for the present given up — Mess Bates & Co — having taken home their nets — On the North shore of Lake Ontario, in the County of Halton, it is still being briskly carried on by sailors and fishermen resident there — If appointed to go, and look after them there, — here I am. —

Those persons who are kicking up such a fuss at the Beach are not the legitimate fishermen — they are intruders and trespassers — sailors in Summer — poaching fishermen in Winter. —

Thomas Armstrong, and Aaron Fletcher — two legitimate fishermen on the Beach — informed me to-day that there is from 8. to 10.000, yards of herring nets between Burlington Beach Canal and Armstrong's fishery ground, a distance of about 3 miles. — That they repeatedly complained to J. W. Hopkins Esq^re J. P. — last summer and fall — of the owners of these nets — trespassing and fishing on their ground — but that the magistrate reply was your Lease is run out — and they have just as much right to fish there as you have —

S

Under these circumstances I would recommend that the Lease be at once renewed — under the condition, I have already submitted for your approval —

I have the Hon
&c. &c. &c.
John O Kerr
P. S.

The Hon
The Commissioner
of Crown Lands
Quebec

Monday, 23rd January 1865. —

proceeded to Hamilton, got appeal from R R Waddell Esq^re^ and proceeded to Saltfleet and served John Wesley Hopkins Esq^re^ J. P — personally with the same, — saw a spearing house on the ice, heard it was a trap, laid by one of the poaching fishermen — did not go near it — lest I might get precipitated into the Bay, —

Heard from Aaron Fletcher and Thomas Armstrong all I have written regarding Hopkins & the fishermen and their Nets, — went out at 9. Am came in at 5. P. M Miles 22 — charge $2.

McLagans charge $1,-50
My own — do —

County of Wentworth,
Fishery Overseer, Office,
Hamilton —
24. of January 1865. —

John Wesley Hopkins Esq^re
J. P.
Saltfleet, —

Dear Sir,

I have the honor to complain to you, in your capacity as a Magistrate — that on yesterday after I served you with the appeal in the case of Kerr — vs. Macfilinray — I proceeded on to Burlington Beach. — I observed a fish house on the Ice in Burlington Bay — I was warned by a friend not to go near it — that it was placed in a perilous position to entrap and drown me —

I have therefore to report the fact as related to me, so that you may warn the unguarded, and take any further steps you may see fit to bring to punishment the perpetrators of what may yet prove a dangerous hoax,

The house is the property of James Cantwell of Niagara —

Yrs Respectfully,
John Wokes
Fishery Overseer

P.S. —

It is my duty to remove fish houses when placed on the ice to spear fish in without authority it is. Yours as a Magistrate to remove a trap which is so placed as to destroy human life —

S. Wile. —

Tuesday, — 24th Jan: 1865,

All day — at the County Court. —

Wednesday — 25th Jan: 1865. —

proceeded to Burlington Heights found that there was another fish house on the ice near Carrolls wharf — reported the matter to Jas: Cahill Esqre J. P. went out at 9. a.m. came in at 2. p.m. — Miles 8 —

Charge for Horse & Cutter $1.50

Waiting on R. R. Waddell for appeal. —

Thursday 26th January 1865. —
proceeded to Hamilton, got the ap=
peal from R. R. Waddell, case of Krell
apt. vs Kerr, thence to Burlington Beach
Township of Saltfleet, — took David
Armstrong with me — served said ap=
peal on John Wesley Hopkins — saw
Peter S. Van Wagner Esqr J. P. —

Reported to John Wesley Hopkins
Esqrs J. P. that five Spearing houses
were again placed on the ice — who re=
plied he would much rather I would
report the matter to the Police Magte. —

Went out at 9½ a.m. came in
at 4 p.m. — Miles 22 — Horse &
Cutter # 2. —

**Examination of Cadets Yesterday—Close of the Hamilton Military School.**

At the examination in the Military School here yesterday, conducted under the inspection of Col. Peacocke, of the 16th Regiment, the following cadets were passed, receiving second-class certificates, viz: Messrs. John M. Riddell, James Y. Egan, J White, E. Poupart, Joseph Wilson, and Rutherford, of Hamilton; J. W. Collins, of Guelph; J. O'Neill, of Brantford; J. O'Reilly, of Waterdown; and Thomas Green, of Wellington Square. These ten young men obtained their certificates at about 5 o'clock yesterday evening, and we understand that seven or eight of them are already, this forenoon, off for Montreal, to attend the great camp of instruction there. With this examination the Military School here i virtually, though perhaps not yet officially, closed. No more new candidates can now be admitted, at all events.

We hear on all hands the greatest praise bestowed upon Captain Carter of the 16th, the Adjutant of the Hamilton Military School, for his capable and thorough performance of the duties of the office. Those amongst us who profess to be posted on military matters, say they have no difficulty at all in accounting for the smaller number of first-class certificates granted here, as compared with what has been done elsewhere. It is tolerably well understood among our military experts in Hamilton, that, under Captain Carter, at all events, a certificate has to be merited before it can be received.

Sir,

26. January 1865.

I have the honor to report that owing I presume to the decision of John Wesley Hopkins Esqre. J.P. Six Spearing Houses, have again been placed upon the ice in Burlington Bay – 5. of them near Burlington Beach – and one near the Desjardins canal.—

I complained to this worthy Magistrate to-day, regarding this Breach of the Fishing Act, and he referred me to James Leahile Esqre. J.P., Police Magistrate.

I will report to you the latter end of these houses shortly.,—

I Have the Honor
&c. &c. &c.,
John Walker

The Hon.,
the Commissioner
of Crown Lands,
Quebec

Friday, 27th of January 1865. —

Proceeded to Hamilton and made complaint to James Cahill Esq. J. P., that six spearing Houses were on Burlington Bay, 5 of them near the Beach and one near the Dizzardus Canal — He promised to look the Act up, as to how I was to proceed Sent report to the Hon: Com: of Crown lands, regarding this infringement of the fisheries Act. — went out at 9. A.M. came in at 3. P.M. Miles 6 — charge $1.50. —

Saw John Gaffe, in town, who informed me, one of the spearing houses — I broke was his — and that he would sue me for the damage — I bid him do so, and enrich the Lawyers. —

Wrote Babington of Dundas to say — when he would be in Hamilton to Audit the County Accounts.

Saturday, 28th Jan: 1865.—

Proceeded to B. Bay, near Alexandria Canal — found 2 Spearing houses there on the ice — placed on them a Notice to remove them away — with my name as J. O. and this date —

Proceeded thence back to the wharf found old William Tealand — in a Spearing House — with a Spear and small wooden fish — he had bye him four herrings which he said he was after spearing —

Informed him it was contrary to the Law to Spear fish — he replied — that old B. a Cadlee told him there was a Bay raw at it that he thought he would be safe in Spearing a few for his own use — he did not trade in them. — I told him the Bay Law was framed in accordance with the Act — that I would report the matter to Govt. — went out at 12 ~~am~~ Noon came in at 4½ p.m. — Miles 12. 1.2.5 for horse & dinner

Cadlee said to Tealand no doubt a stringent law on herring would be passed at present Session of parliament. —

30th Jan: 1865.

Sir, Will you be pleased to supply me with a copy of the Canada Gazette in which the Bye laws - as has been adopted by His Excellency the Governor General in Council - dated Quebec 16th of May 1860, - was first published in, -

I cannot very well proceed against persons found spearing, and commit them unless I have such a document by me - please refer to ~~the~~ page 18, - Fishing Regulations for Upper Canada, - a copy of which you were pleased to furnish me with, -

I Have the Honor to be
Sir
Your obt. Servant,
John O'Ker.
J. P. O.

To
The Hon.ble
The Com.r
of Crown Lands
Quebec.

30. January 1865.

Sir

I have the honor to acknowledge the receipt of your letter of the 24th in which you are pleased to say that Messrs Cahill and Van Wagner have been recommended as Magistrates for the County of Halton, and for which I thank you. —

It would be very essential for me to have a tracing furnished by the Department shewing that portion of the County of Wentworth adjacent to Burlington Beach and Lake Ontario — and that portion of the County of Halton adjacent to the County of Wentworth and Lake Ontario. —

This tracing of the Provincial Map will require to shew side lines and concession Roads — and where these produced from the land, where they intersect each other in Lake Ontario. —

It will be also very useful for the Magistrates. —

I Have the Honor to be,
Sir
Your Obt. Servant,
John Cook
J. P.

To
The Honble
The Commissioner
of C. Lands
Quebec

Co. of Wentworth,

30th of Jan 1865

~~Sir~~

~~I have reported to report to~~

~~you to my~~

Sir

I have the honor to report for your information, that I proceeded this afternoon to Burlington, in the immediate neighborhood of the Desjardins canal, where I caught two young men in the act of spearing Black bass —

They had in their possession 19 fish — none of them under 1½ lbs — and several of them weighing nearly five pounds each — I seized all those fine fish and two spears with which they were taken — and having taken down the names of the young men as follows: viz Thomas Wilson, ~~Cook Flamboro~~ and Wm Heatley of East Flamboro — informed them I would summon them up before a Magistrate & have them fined — On last Saturday I caught Wm Lealand of Hamilton — with four herrings in his possession which he had speared — I told him I would bring him up for it. — A Constable accompanied me to-day on this duty, —

I Have the Honor to be
Sir,
Your Ob't Servant,
John W Kerr
F. O.

The
Hon. the Comm of
Crown Lands,
Quebec

Monday 30 Jan 1865 –

proceeded to Burlington Bay – in the immediate – vicinity of the Desjardins Canal found Thomas Wilson and Wolbeathy of East flamboro in the act of spearing Black bass – they had 19. black bass in their possession – and three small Sein fish – instead of spearing in a box – they had a hole cut in the ice and a hoop thus over which a a bed quilt was placed – a large quantity of rushes were spread on which the fisherman lay – covered himself with the quilt – which was kept over the hoop and bow – and so they spearing was accomplished –

I seized the fish and spears and told the Young men I would summon them up –

Went out at 11. Am came in at 4. pm Miles & – charge $1.50. 10¢ for Carrying fish.

McLagan accompanied me –

Paid McGlagan $2, and he received 2.50, for serving Summons and attending court –

1st February 1865,

Sir, – I have the honor to report for your information, – that on yesterday morning – I proceeded to Burlington Bay – near the Desjardins Canal – where I found three young men spearing – they had in their possession 25 speared black bass, and a pike. I seized the fish and three spears, and I broke up the spearing houses, – allowed one to be taken away –

I complained to the Magistrate, James Cahill Esq.re J.P. –

I then proceeded to that part of the Bay near Burlington Beach, where I found John Dyers and Fred.k Corey – Wm. George Krall, and John Bates in spearing Houses situated on the ice. –

I caught Krall in a fish house in the act of spearing – He had four small sun fish – I took the spear and little bait from him –

John Bates was outside on the ice beside John Dyons fishing house – on observing us run down he ran acrofs to another fish house, with a spear and an axe in his hands – dropped them outside the house which he then entered, – instantly Fred.k Corey came out of this house – seized the spear – said it was his – I directed the constable who accompanied me to take the spear from him, which he did. – There is in this neighbourhood six fishing houses which I ordered them to remove. –

John Dyers house is 12 ft. long, he has an oblong hole nearly the same length cut through the ice, inside the house here he was apparently, innocently engaged with a spoon bait, enticing fish. –

I presume all the fish they had caught, and the rest of the spears were sunk in the water, however the next time I go there, I am determined to find the fish and the rest of the spears, and break up the houses. — —

Knell Cooley and Bates are the same persons alluded to in a former communication of mine to you. I did not find John Ayers in a suspicious place before — but I was privately told that he caught 118 fish there a few days ago. — — —

The names of the persons I caught with the black bass &c, and spears at the Desjardins Canal are Wm Thompson whom I caught — Heathy and Lottridge, fictitious names likely, the two last ran away. —

I have now in my possession 8 spears to be destroyed or disposed of as you may direct. — When I receive the copy of the Gazette I applied to you for, I will at once proceed against all those spearing paternity. —

I Have the Honor &c,

John W Kerr
P. O.

The Hon:
The Com: of
Crown Lands,
Quebec

Tuesday, 31. of January 1865,

proceeded as set down in my letter of the 1st. feb 1865, went out at 9. a'm came in at 5. p. m, Miles 24, Hours 8. H & C. 2.50,

for Constable. $ 1. —

Charges for Month of January 1865. as follows: — —

| | | | |
|---|---|---|---|
| 4 January | | $ 2 00 | Extra allce |
| " | do, | 1 00 | |
| 5. | do, | 2 50 | |
| 6. | do, | 1 25 | |
| 9th | do, | 2 65 | |
| 10, | do | 1 50 | |
| 11th | do, | 2 05 | |
| 12 | do, | 1 25 | |
| 13th | do, | 2 45 | |
| 14, | do, | 1 00 | |
| 17, | do, | 1 25 | |
| 18, | " | 1 25 | |
| 19, | " | 1 25 | |
| 20, | " | 3 25 | |
| 21, | " | 1 75 | |
| 23 | " | 2 00 | |
| 25. | " | 1 50, | |
| 26th | " | 2 00 | |
| 27th | " | 1 50 | |
| 28th | " | 1, 25 | |
| 30th | " | 1.60 | |
| 31 | " | 2 50 | |

Extra allowance for month of January $ 12,00. — —

Total amount for Janry 1865. $ ~~37.75~~ Total, $38.75 total

60

3rd feb: 1865.

Sir,

In your letter to me of the 30th ult., you ask me? Do you think the meshes prescribed by Section 26, of the existing Fishery Act, need any and what alteration?—

In reply to this question I shall answer by just asking you another question!!

Was it understood at the time the existing Fishery Act became Law, that Lake Ontario abounded with Herring and Scissors?— If so I presume no change need be made.—

Scissors keep out in deep water they never appear come to the shore of Ontario, herring are always to be found near the shore along Burlington Beach and by simply securing one end of the existing gill nets used for catching this fish to the land, and running the other end out into the Lake — thousands of these of fish of the smallest kind are taken — while Joseph Perry, a legitimate fisherman there, informed me that with a legal net 1½" inches square mesh he caught blue backs, large herring, 100 of which filled a box while it took 200 fish of those caught with the 1¼" inches or 1⅛" mesh net to fill the same box —

I have not asked any of the other fishermen regarding this matter because having such an abundance of small mesh nets — they would be seen to advocate the small mesh net of 1¼" inches mesh nets,

I Have the Honor &c

G O Kerr
M. D.

The Hon
The Com
of Crown Lands
Quebec

Sir, 60 Hamilton 31st Jan: 1865,

In your letter to me of the 30th ultto, you say – "For several years past, the waters of this Bay, and of Dundas Marsh, have been specially protected by the fishery laws, &c. &c. &c. – "Is this requisite?" – "and what has been the "beneficial result of such reservation" – My opinion is, on this subject that a more stringent act should be passed for the preservation of the fish in Burlington Bay – and Dundas Marsh – than the existing Fishery Act, at present in operation; and I do not consider that any beneficial result has been accomplished in these preserves, for the preservation of fish under the existing law. – Again, you say! – "Then there is something "invidious in the exclusion of fishermen "from the waters in question – they seem to be "kept for sportsmen – Should their apparent "preserve exist for an indefinite period", certainly it should exist for an indefinite period. It is the first time in my life, that I heard Burlington Bay, and Dundas Marsh seem to be kept for sportsmen – I always understood it was ~~woefully neglected~~. –

Gradesmen, and a large majority of the other citizens of Hamilton frequent these waters at the proper ~~time~~ season for piscatory amusement, but do not do so in their capacity of Sportsmen. – The G. W. Railway Mechanics – the store clerks, and other clerks, Merchants – besides a mixed multitude of all Citizens, as I understand resort there after the toils of the day for amusement – it is very well known in Hamilton – that these people take a deep interest in the preservation of the fish.

They

I set apart, first as the Act implies, but I am also inclined to think that it was always wrongfully neglected, –

They neither desire gill nor draw nets nor spears to be used in the Bay, nor Marsh — or their tributaries — while most fishermen desire just now to spear, because they cannot use a net, and when the ice leaves the Bay &c, they will then like to use a gill and a draw net, because it will then be more to their advantage to do so, than the less profitable illegal one of spearing.

I have no hesitation in saying that it will meet the approbation of nine tenths of the citizens of Hamilton — if spears, spearing — spearing houses, nets and netting of every description, and shooting fish, pike in spawning season in Burlington Bay and Dundas Marsh is so fixed by Law, that any person as well as a fishery officer, may remove and destroy these illegal fishing ~~fish~~ implements — wherever they may be found, and that it shall be always legal and proper for them to do so — and not to destroy these implements alluded to, but any other new devise or invention that may after the passing of this said Act be devised or invented, or be used if not sanctioned by Law, for catching or taking fish. —

Personally — I have no interest in the Fishery — beyond the fact — of obeying all the orders I may receive from the Head of the Fishery Branch of the department — under whose supervision, I am appointed to act. —

I believe angling in Burlington Bay and Dundas Marsh, is a sufficient fair mode of fishing for all? —

I Have the Honor to be

Sir

Your Obt Servant,

Gobell Kerr

P O

The Hon.
The Comr: of
Crown Lands —
Quebec

Hamilton,

Sir,

4th of February 1865.-

I have the honor to report for your information, that James B. Freeman Esqre Clerk of the Peace and County atty of Wentworth - gave to my predecessor in June 1862 - an elaborate opinion on the Fishery By Laws which he pronounced and condemned as illegal. - The fishery Act having imposed no power in any special clause in the said Act - by which the Governor General in Council could frame said By Laws. -

It will be necessary in the framing of this new fishing Act to avoid every thing - that may be construed to mean nothing by crafty Lawyers - and I do sincerely hope, that all By Laws - will have a solid foundation clause in the body of the act - upon which they can be legally constructed. -

Of course I do not go by the opinion of the Lawyers - My orders and instructions are my guide. -

I Have the Hon

The Hon.ble
Commissioner of
Crown Lands
Quebec

Yr
John O'Leary
J P

6 of feb 1865.

Sir, I have the honor to acknowledge the receipt of a supply of stationery, including steel pens ("which I never use") 2 pencils, foolscap and blotting paper — and for which you will please accept my humble thanks. —

I Have the Honor to be
Sir,
Your Obt Servant,
John Ross
J. O —

The Hon
Commissr
of Crown Lands
Quebec

6, Feb, 1865,

Sir, I have the honor to thank you for extending my jurisdiction to the County of Hatton

I Have the Honor
&c
John Ross
J. O —

The Hon
The Comr
of Crown Lands,
Quebec

7th of Feb: 1865,

Sir, I have the honor to acknowledge the receipt of a parcel containing an abstract of the Game Laws of Upper Canada with instructions to enforce the same — You may rely upon me that I will do so, — for a few years ago, I was instrumental in getting up and organizing a Game Preservation Protective Society here — with the late Hon: Sir Allan N. Macnab Bt at its head — After it was established, and beginning to work well — the late Supt of fisheries became a member, and his hobby was to protect and preserve the fish, but he being a well paid officer of Government, I ~~was~~ and several other members, had no objection provided he attended to the fish — we would attend to the Game — The Supt even wished that I as Secretary should be subservient to his will and Command, should seize nets, when found in Burlington Bay — and I was empowered by Warrant under his hand and seal to do so, — I actually went once under his authority to seize nets — but on hearing from a fisherman at Burlington Beach — that word was sent from Mr McQuaig's office that I was coming down there to seize nets — I abandoned all idea of doing the duty of a well paid Govt officer — and so down went the Game and fish Preservation Protective Society of Wentworth; I am however pleased beyond expression it that you take a lively interest in the protection of game as well as fish, —

The Hon^ble
The Commissioner
of Crown Lands,
Quebec

I Have the Honor to be
Sir
Your Obt Servt
John Ho

Fishery Overseers Office
Hamilton
4th of feb 1865.

Sir, I Have the honor to acknowledge the receipt of a Copy of the Canada Gazette containing the order in Council of the 16th of May 1860.

I Have the Honor to be,
Sir
Your obt Servant,
John Wickers
F. O.

The Honble
The Commissioner
of Crown Lands,
Quebec

Monday 6th Feb 1865,
Proceeded to Hamilton to see Mr Cahile the Magistrate, - to get out Summons for the Black bass people
Went out at 12. Noon
Came home at 5½ pm 6 miles
charge $1,—

7th of February 1865,

Sir, I have the honor to acknowledge the receipt of your letter of the 4th instant drawing my attention to the propriety of employing the County Attorney, when I need counsel — As you say — "I must remind you that it has always "been the customary to engage the County Attorney"?

Your instructions in this matter will be strictly adhered to in future, —

I Have the Honor &c —

John Oliver
P. O.

The Hon^ble
The Commissioner
of Crown Lands —
Quebec

Tuesday — 7th Feb 1865. —

Having recd. a Copy of the Canada Gazette, dated 16. May 1860, — proceeded to Hamilton and made Complaint agt. John Smoke and Frank Blanie of East Flamboro — for that they did by means of Spears, fish, capture and Kill several black bass fish in Burlington Bay, in the County of Wentworth and Province of Canada — on the 30th day of January last, in Contravention of the fishery act. —

Complained agt. Wm Thompson & two other persons unknown — for a like offence on the 31. of January went out at 9. a.m. came in at 4. p.m. Miles 16. — Horse and Cutter $2, tolls 10¢

Thursday 9 — Feb 1865.

proceeded to Hamilton — from private information received made complaint agt. persons engaged spearing on B. Bay on the south shore opposite Wigatts farm — went out at 9. a.m. came in 3. p.m. Miles 6 — charge for H & C $1, Mr. Cahill to issue a Warrant to-morrow —

## DESTRUCTION OF MOOSE AND CARIBOU.

[To the Editor of the Morning Chronicle.]

R,—In a late issue of the *Chronicle* I obve the annual report of the Fish and Game Protection Club. Since the date of its publication, both editorial articles and communications have drawn public attention to the valuable results already attained by that society, and numerous suggestions have also been submitted, by the adoption of which its objects, it is stated, would be more effectually carried out. It is not my intention in this letter to throw a damper upon the spirits of the devoted sportsmen who have organized the society, but on the contrary, to accord the meed of praise in so far as they deserve it, but it must be evident to many who have hitherto enjoyed the manly exercise of a winter's hunt in the forest, that the Legislature, acting upon the advice of Judge Prince and the Game Protection Club, have rendered the law for the Protection of moose and caribou a clear and undeniable absurdity. I purpose demonstrating the truth of my assertion. Up to the close of last session it was permitted to hunt and kill, sell, give or possess moose or caribou, et cetera, from the first of September to the first of March. By the act of last session, the 1st February is substituted for the 1st March. The conditions imposed are similar to those of the former bill, and therefore the same privilege is granted to the Indians, viz :—That they can kill as many of those animals as they choose, at any season of the year, provided they do not sell or expose the skin, meat, &c., for sale Firstly then : In what respect has the amendment to the original law favored the protection of that species of game? The females of the moose and caribou species are with young months before the 1st of February I ask then, what essential difference does this month of prohibition effect? Is the state of the snow, as a general rule, more favorable to hunt these animals in February than in March? No experienced hunter will dare to maintain this proposition. Therefore, it must be concluded that the change in the law is an absurdity; and must have been effected through the influence of men utterly ignorant of this kind of hunting. March is in fact the only month in which white men can hope to succeeded in catching up to those strong and nimble animals, because the snow crust impedes their action, and cuts their fore and hind legs. It is but seldom that a sufficient quantity of snow falls and a strong crust forms in February. I must conclude, therefore, that the existing law prohibits the hunting of these animals by white men. Secondly: In which way does the law affect the ruinous destruction of these animals by the Indians? It is clearly a dead letter, and will also be so unless the Game Protection Club are sufficiently patriotic to send Superintendents, (at the expense of the Club) to the different hunting districts frequented by the Indians. During the last year upwards of 800 moose were killed in the St Maurice territory, and the proportion killed by white men was 2 to 100 by the Indians What became of this immense quantity of meat? Did it reach our markets? Was it available as an article of fond? Did it serve the interests of the lower classes? Did it, in fact, prove a boon to the inhabitants of this district? No! three quarters of this meat, estimated at 360,000 pounds weight, remained to rot in the woods or feed other wild animals. The Indians return from their hunting grounds in the spring, laden with moose and baribou skins, which they sell for fire-water and other supplies, at half their value. I have taken some pains to ascertain how many moose and caribou were killed this year in the territory, within one hundred miles north, previous to the 15th February, 1851, as far as the fact can be known :

| | | | | |
|---|---|---|---|---|
| By Indians, | Moose | 19 | Caribou | 7 |
| " White men, | " | 2 | " | 2 |

And the Indians have just started for the campaign, with no person to watch them. They will kill this year upwards of 1000 animals, and although many will be killed at the doors of the lumber shanties, it is illegal to purchase the meat. I should like the Game Protection Club to ponder over this absurd law, and remedy the error committed, by offering the following amendments to the Act:

Lawful to kill, &c., to the 15th March.

Indians to be allowed to kill to same date for sale. To have privilege of killing for use at any season of the year, and prohibiting sales except to lumber shanties.

The ranger connected with the Crown Timber Office. to be instructed by Government to see the law executed to the best of his ability. A moderate allowance might be made to him for this extra duty, by the Game Protection Club. I trust, Mr. Editor, that these suggestions from one who is a practical amateur hunter will be duly weighed by the Club, the objects of which I highly approve.

A. HUNTER.

Three Rivers, Feb. 22, 1861.

To Samuel Leslie Esq and
John W Klein

Take notice that the notice of appeal on behalf of George Klingensmith served on the 28th February last is hereby withdrawn

Dated 3rd March 1865.

P Fulton Sadler & Dunn
attys for
George Klingensmith.

C. of W. & Halton
F. O. Office
Hamilton
10 Feb 1865 —

Sir,

I have the honor to state for your information that I obtained a Warrant from James Cahill Esq^re J.P., one of Her Majestys justices of the Peace for the County of Wentworth — Police Magistrate of the City of Hamilton — empowering me to enter all fish houses placed on the ice in Burlington Bay &c and diligently search for fish, and spears — and if persons are found therein fishing for — capturing or killing fish by means of spears in contravention of the Fishery Act and By Law thereon — I am authorised to seize the spears and fish and take down the names and residence of the person so engaged — to be further dealt with according to Law — By this means I will be enabled to overhaul those persons at Burlington Beach, who have no fear of the Law before their eyes —

I am happy to inform you that I find Mr Cahill, at all times ready and willing to afford me every assistance in his power — to carry out your instructions; and for which I feel myself so much indebted to him —

I Have the Honor, to be,
&c &c
John Oliver
F. O.

The Hon^ble
The Commissioner
of Crown Lands —
Quebec

Friday, — 10th Feb: 1865.

Proceeded to Hamilton — made complaint to James Leahill Esqre. J. P. — one of Her Majesty's Justices of the Peace — Police Magistrate — of fish houses being placed on the Bay — for spearing purposes, —

Received a warrant to search for and seize spears and fish — and haul up persons so illegally engaged —

proceeded from Hamilton to the Bay — north of Alex Brown's Wharf found four spearing houses placed on the ice there — two of them were in use to-day — evident marks of the fish recently taken were there — but the other two houses were not in use to-day, the ice holes being found frozen up — McLagan accompanied me — went out at 9. A.m. came in at 5. P.m. Miles 20, — Horse & Cutter $2.

McLagans charge $1 — 50

Saturday, 11th Feb 1865. —

proceeded to Hamilton and attended before James Leahill Esqre. J. P, to give evidence agt. John Smoke and Frank Blane of East Flamborough, for that they did spear and have in their possession a number of Black bass, on the 30th day of January last, on the ice in Burlington Bay near the Desjardins Canal, when Blane gave his name as Wm Heatty, and John Smoke gave his name as Thomas Wilson.

They were each fined $10, and costs or 3 months in Gaol — they at once paid the same, went out at 8. A.m. came in at 12, Miles 6 — charge for Horse & Cutter $1.50 fish and spears forfeited.

Gave fish to deaf and dumb institute of Hamilton, —

11th Feb 1865.

Sir,

With reference to my letter to you of the 30th ulto, reporting that I had caught Thos. Wilson and Wm Heatley of Ex. Flamboro spearing black bass, and having in their possession 19 fish of that species. —

I have now the honor to report more fully the refutt and final termination of this case, which was disposed of this day by James Gabile Esqr. J. P. —

Thomas Wilson as I reported him whose real name is John Smoke, and Wm Heatley whose real name is Frank Blane — reside in Flamboro — Frank Blane is son of David Blane a County constable, and Tavern Keeper — on the Toronto Road about three miles from Hamilton. —

John Smoke is the son of a farmer living close bye to Blane — their parents are well off — and I learned that they make plenty of money by catching fish in contravention of the fishery Act — and selling them. Black bass caught by spearing at this particular season readily commands and is sold briskly in Market at 5¢ per lb. —

Those two persons were each fined ten dollars and costs, which they at once paid — and the Magistrate forfeited the fish and spears, I found in their possession. —

The fish or a greater part of them, I gave to J. B. McGann Esqre. President of the Deaf and Dumb Institute for inmates thereof.

Of this fine I received ten dollars, and out of this I paid the Constable $2 for his services - the balance of the fine ten dollars Mr Cahill, informed me he would pay into the Bank to the Credit of the Fishery's Branch of the Department of Crown Lands, -

I Have the Honor &c &c,

John W Kerr
J. P.

The Hon.
The Com
of C. Lands
Quebec

Sunday 12 — feb 1865. -
Proceeded to Burlington Bay - found 4 spearing houses stile remaining on the ice one of them near Alex Brown's wharf - and three others east by north of same - passed on as there was no appearance of foot marks in the snow nor of any person spearing therein came round by the Toronto Road home - Ascertained that two men were spearing yesterday near the Dofs canal on B. Bay where Blane and Smoke were caught by me on the 30th ultimo went out at 9 a.m. came in at 2 p.m. miles 24, charge Horse & Cutter # 2, tolls 10¢

Macflagan with me his charge # 1. -

13 Feb: 1865.

I have the honor to report for your information that Jacob Brinkley Esq^re J. P. Mr John Bamberger and Mr Forsyth of Ancaster have all been actively engaged for some days past running around and getting signatures to a petition "praying that spearing and fishing by means of spears be allowed in Dundas Marsh and Burlington Bay."—

I understand that those gentlemen a few years ago got up a similar petition and failing this they then applied to lease Dundas Marsh and Burlington Bay — if this was the case you will already know all about them. —

I have also been credibly informed that Mr John Bamberger, and Mess^rs Forsyth & their sons during last fall caught by means of spears in the B — near Dev^ls Cr^k 1500 and up to 2000, herrings each, per night with spears and lights, and this take cont^d for 3 weeks and actually they sold their fish by the barrels full

They all live on the Stone Road — between H & D^s. They are men of Wealth — their farm runs back north from the stone road until it goes into and joins the Marsh — Sam: Forsyth has a fish House and trapping house on the verge of the Marsh at the end of his farm where I posted one of the Notices of my appointment on the 9^th of January last past. —

Should this petition be presented to you to report upon — I hope you will be pleased to leave it up to me — before you do so and I will let you have the particulars about every man whose name I may find signed thereto.

A very few years from this "Lake Ontario" with Bur: Bay and Dundas Marsh continue to be set apart for the propagation of fish, bright as for

— Ont

as angling is permitted — will there have ten thousand more fish to one, as compared with its present position in this respect —

Give me a good fishing act, where no loop holes can be found to creep through and I will promise you all this and more, if it also continued as your fishery officer

I Have the Honor to be
&c. &c. &c.

The Hon
The Comr
of Crown Lands

J. D. Kerr
J. O.

---

Monday, 13. Feb 1865,
proceeded to Burlington Beach, — and on the Bay near there, found Mr James Gilmour of East Hamboro' in a fishing Box spearing Herring he had seven of them in his possession, —

Also found Henry McNeilly in a fish house just commenced to spear — he had no fish — Seized the spears in both cases and the fish — went out at 9. A.m came in at 3. P. m. Miles 24 — Horse & Cutter $2. — further particulars see my report, —
Macflagan was with me. — charge $1.

Mem of Present Nothing

Sir,

13th feb. 1865.

I have the honor to report for your information, that on this morning, I proceeded to Burlington ~~Bay~~ Beach, and on the Bay near Wellington □, I found the James Gilman, a wealthy farmer, resident in the Township of East Flamboro, in the act of Spearing, he had seven herrings in his possession, which he was after capturing or Killing by means of Spearing, I seized the fish, and spear and will summon him up. –

At the same time and place I found a person, who gave his name as Henry McCilley of Wellington Square – he had just commenced fishing with a spear, but had taken nothing; I seized his Spear and will summon him up. –

I will report to you the result of these cases when disposed of by the Magistrate. –

I have &c. &c. &c.

John Walker
P. O.

The Hon.,
The Commissioner
of Crown Lands –
Quebec

Wednesday – 15. feb 1865. –

proceeded to Burlington Heights around by Kennays Hotel – found a fish house on the ice and fishers therein – they appeared to have no spears – altho evidently the House is there for that and other purposes – went out at 11. a/m came in at 2½ p.m – Miles 10 – charge $1.50 ¢

charge with me, charge $1 –

Sir,

16. Feb: 1865.

I hope you will be pleased to pardon me for troubling upon you, on this occasion. I received from the Hon: H. B. Bull, on Monday last a copy of The Hon: The Commissioner of Crown Lands Amended Fishery Act — Having read it over carefully half a dozen times; I have written in additions in several clauses in this Act — and in doing this I hope you will not consider me presumptious; If you approve of those additions or any of them well and good, I am much pleased to find a bill introduced into Parliament in which a Fishery officer, in every instance of a contravention of the Act - knows exactly his relative position as regards the same — in fact under this new Act he knows the ground he occupies, while the existing Act is faulty, and I sometimes hardly know where to find myself. - -

All sorts of scheming and dodging are resorted to, to evade the law, and frustrate the ends of justice I was in a fishing house on Burlington Bay yesterday, and altho it is thought by many persons that these houses are constructed for the purpose of sheltering the occupant from the inclement weather, while spearing, still I find, it is nothing of the sort — once enter the house, shut to the door, and you can then see down to the bottom of the Bay — and all the fish that move therein beneath you. —

Hoping you will be pleased to accept the enclosed amended act with notes. —

I Have the Honor to be
Yr. Yr.
John W Lewis
F. O.

The Hon^ble
The Commissioner
of Crown Lands.
Quebec

Sir,

17th February 1865,

With reference to your letter to me of the 28th ultto, pointing out the offence, and how it should be brought against Duncan MacGilivray.— I have the honor to report, that in obedience to your kind suggestion, I brought him by summons before James Cahill Esqre J. P. this day, and charged him as follows: viz. "For that you, on the 13th "day of January last, did at Burlington Beach, "fish, and have in his possession, an illegal net, in "actual use, with a quantity of fish therein; in con= "travention of the fishery Act?"—

Although he produced a witness in his defence and behalf,— who swore everything I might per= haps say! but the real truth; still, I am pleased to informm you, that Duncan MacGilivray was found guilty of the charge I preferred against him, and was fined ten dollars and costs, or 40, days in goal.—

I Have the Honor to be
&c &c &c.
John Ker
J. P.

The Hon
The Commissioner
of Crown Lands,
Quebec.

Friday – 17th. of feb 1865.

Proceeded to Hamilton to attend the Case brought before James Leahile Esqre. J. P. agt. Duncan Mac=gilvray, Viz:! "sw cutter"

went out at 8. a'm – the trial came off at 9. a'm – and after the evidence was heard the case was ad=journed, until 3 o'clock p'm – when the case was disposed of by fining him ten dollars and Costs – proceeded from thence to James filman East Flamboro, accompanied by Serg't. Mac=Logan – Served him with two Summons for fishing and killing fish by means of a spear – see my letter of the 13th. instant, – came in at 6½ p. m. Miles 24 – Hours 10½, charge for Horse & Cutter 3 dollars, –

Sir,

17, feb; 1865,

Will you be pleased to let me have the Town=ship Maps of Wentworth, Halton, and Lincoln, and I will have them mounted on cloth by Counties and framed. –

The South Riding of Wentworth, and the North Riding, will make two neat Maps, and will be for reference in my office – The County of Halton, and the County of Lincoln, will also be for a similar purpose. –

As I understand Township Maps are always on hand in the Crown Land Lands department, I hope you will be pleased to comply with my request,

I Have the Honor to be
&c &c &c,
John W Keefer
P. O.

The Hon
The Com
of Crown Lands
Quebec

17. feb: 1865,

Sir. Will you be pleased to find herewith Mr Jacob Bliskler's illustration of Spear's which I have cut from the Hamilton Spectator of this date —

I Have the Honor to be
&c &c &c
John W Kerr
P.S.

The Hon^ble
The Commissioner
of Crown Lands,
Quebec.—

Saturday, 18. feb 1865,

Proceeded to N. Beach and found the persons described in my letter of this date illegally fishing — attended before James Cahile Esq^re J.P. and had George Cunningham Smith fined 10 dollars and costs — the Spears were forfeited, — from thence to Dusyander's Canal Fred: Morison and Young Skuse were fishing with hook and line there —

Went out at 9½. a.m came in at ½ past 6. p.m, Miles 30, Hours 9½

Charge for Horse & Cutter $ 2 —

C. of U. & Halton,
F. O. Office
Hamilton, —
18th. of Feb:, 1865,

Sir,

I have the honor to report for your information that about 12, o'clock, Noon, this day, having run down to Burlington Beach, accompanied by a Constable, I found in Burlington Bay in the fish houses there, —

House No: 1, John Dyon in his large house described to you in my letter of the 1st. instant, — He has now a small stove, and stove pipe therein; and to enable him to conceal the long handle of his spear, when operating he has placed a small fish on the top of the house, already reported upon to you —; He had neither fish nor spear, he has evidently some mysterious way of concealing these. He is doing a good business, —

House No: 2, John Gaffe, occupied another house, but being on guard, he gave the alarm to the others, he came out of his House before I got within 300 yards of him; entered it again: his fish and spear were not to be found, —

House No: 3, Name unknown — in a House, with a spear, no fish, — I seized the spear, under the warrant I hold from James Cahill Esqre. J. P., Police Magte.

House No: 4, George Bingham Smith, in a House, with spear and one speckled bass — about half a pound weight, he refused to give his name, brought him to Hamilton, on the way he acknowledged his name, and that he was an American Citizen, born in the State of Indiana: — I arraigned him under the 43. Clause of the Fishery Act and By law No: 3, —

Yours

He pleaded guilty, to the charge of spearing and taking out fish with a spear — He was fined ten dollars, and costs, or sixty days in goal. — the spear was forfeited. — —

House No: 5, John Bates. — Is the occupant and owner of this house — he had his fish and spear removed away and concealed, save one speckled bass alive, about a pound weight, which had the spear marks thereon. — —

He would not leave the fish house, he stated it was his property, and we had no business there, — he obstructed the Constable in the discharge of his duty, and wished to know by what authority we came there at all — He had an opinion from Sam: B. Freeman, County Atty and Mr Chas: A Sadlier he said — The Constable read the Search Warrant to him, he would not come out of the house, in fact he plainly informed the Constable that he would put him in the spearing hole — or the Constable if he was able might put him in it — but out he said he would not come. —

I will consult Mr Cahill, the Magre on Monday, and I will bring him (John Bates) up, for obstructing the Constable in the discharge of his duty — and if I can make a case of the speckled bass under the 32 clause of the act, I will you may rest satisfied, do so. —

On my way down to the fish house I saw four other men leave the house, and go in the direction of the Beach —

I Have the Honor &c

J W Kerr

The Hon Comr of Crown Lands Quebec

20th Feb 1865

Sir,

I have the honor to send you herewith copies of appeals, served upon me this day, by Charles A. Sadlier Esqre, of the firm of Bontwell Sadlier and Bonnee, Solicitors, —

1st — Duncan McPhling, see my report to you of the 14th instant respecting him, —

2d, Jorge Klingensmith, see my report to you of the 18th inst. respecting him —

Will you be pleased to instruct the County Attorny of Wentworth, to report these appeals at the next quarter Sessions, —

I Have the Honor &c

J W Kerr

The Hon
The Com
of Crown Lands
Quebec

Wednesday. 22d Feb. 1865.

Proceeded to Hamilton, and attended before James Leahile Esqre J. P. to give evidence agt James Gilman — for capturing fish by means of spears &c he was fined eight dollars and costs which he paid, — proceeded from thence to 2 fish houses near to Gilmans — thence to D'Eyardins Canal found four persons there hook and line fishing — but no spears Frank Blane was one of them — went out at 8. a.m. came in 5. p.m. — Miles 22, — Hours 9 — Charge $3, —

Sir,

22nd Feb 1865.

I have the honor to report for your information, that on yesterday, John Davis of the City of Hamilton, fish dealer, had a large quantity of Black bass, pike, rock and speckled bass in his possession, in the Market; about 400 in number, which had the spear mark upon them — He informed me they were all taken by means of spear, at Long Point, Lake Erie and by a young man named —— Snookson, to a man who formerly lived on Burlington Beach, —

I Complained to James Cahill Esq. J.P. — Mr Cahill handed me this day, your letter to him of the 18th, inst, to take a copy of it,

I Have the Honor &c,
John W Kerr
H. O

The Hon:
The Com of Crown
Lands —
Quebec

Sir,

22. feb 1865,

I have the honor to report for your information, that with reference to my communication to you of the 13th inst. relative to finding Mr James Gilman of East Flamboro in the act of Spearing &c, I had him summoned up before James Cahill Esq., J. P., this day - and he was fined $8. and Costs - he had a young Lawyer to defend him - but it was no go! He paid the fine and costs. -

Query? - When the fine is paid; is it right for me, when the Magistrate hands me half of the fine to accept it; or should he pay it all into the Bank, and let it be chequed out by you to me afterwards; please instruct me on this head. -

I Have the Honor to be
&c &c &c,
John W. Kerr,
J. O.

The Hon:,
The Com of Crown
Lands Quebec

22nd Feb: 1865.

Sir, — With reference to fish house No: 5, in my report to you of the 18th instant, I herewith send you a copy of a summons served upon me this day: and I have to assure you that there is not a particle of truth contained in the whole of this summons: But so long as John Wesley Hopkins Esqre is endowed with Magisterial authority, I expect nothing but anoyance from him, he is so green in his Knowledge; as to know no better, He would not take up a Case agt this same John Bates and others, when I complained to him See my report to you of the 26th of Jany last; should he decide agt the Constable his decision will be appealed agt. I acted in this Case already reported to you under a Search warrant, which I obtained from James Cahile Esqre J. P, after this same Mr Hopkins, refused to act in the Case, —

I Have the Honor to be:
&c. &c. &c.
J. W. Kerr,
J. P.

The Honble
The Comr of
Crown Lands
Quebec

Thursday, 23rd. feb 1865.

Proceeded to Hamilton, thence on my way to Saltfleet to obtain a summons from J. W. Hopkins Esqr. J. P., heard on my way there, that Mr Hopkins was in the City found him, and received two Subpoenas from. thence to fish houses on Bay. below Alexander Brown's wharf - thence around by the Toronto Road and Heights, went out at 9. a.m. Came in at 4. p.m, Miles 26, Horse & Cutter $1.2.75.4 tolls 10¢

Friday. 24, february 1865. —

Proceeded to Stoney Creek to attend before John Wesley Hopkins Esqr. J. P, upon a summons charging me with assaulting John Bates on Saturday the 18th. instant, on the Bay, went out at 1. o'clock. p.m came in at 11. p.m, Miles 22 Hours 12, Horse & Cutter $ 2.75 tolls 10¢ feed 12½¢

McLagan the Constable with me. — $1.

Sat: 25th feb 1865. —

Proceeded to Hamilton at the Wood Market on John street, met Terence Riordan, whom I took with me to the Police station — he being the person who on the 31st of January last, I caught near the Disjardins Canal — with a quantity of black bass and a spear in his possession, and who at that time gave his name as Wm Thompson See my letter of 1st February, —

At 3. p. m. I attended before James Leahle Esq. J. P. to prosecute him for the offence — he admitted the same and was fined $8, and Costs, or two months in Gaol — he paid the fine and was discharged, went out at 9. am came in at 5. p. m, Miles 6. charge $1,50.

Sir,

25. feb 1865.

I have the honor to report for your information that on walking down John st near the Wood Market this morning, I met Lorence Kindon whom I took with me to the Police Station; he being the person who, on the 31st of January last, I caught near the Plaisancia bound on Rimington Bay, with a spear and a quantity of black bass in his possession; and who at that time, gave his name to me as William Thompson - please see my report to you of the 1st of February instant. -

At 3 p.m. this afternoon, I attended before James Leckie Esq., J.P. - to prosecute him for the offence, which he admitted. He was fined eight dollars and costs or two months in goal - He paid the fine and was discharged.

I Have the Honor &c

John McKee
J.O.

The Hon^ble
The Commissioner
of Crown Lands
Victoria

Sir.

Monday. 27. Feb: 1865. –

I have the honor to report for your information – that on yesterday afternoon "Sunday" I proceeded to Burlington Bay – near Dragon's Canal – where I found John Smoke, who has been already fined – Henry Barnard, and James Bart, "a fictitious name" fishing by means of spears hooks and lines and small decoy fishes. –

I found in their possession and concealed around twenty one leafs – and although I walked on the G. W. Railway for some distance – they must have observed me; for I observed all their movements; I distinctly saw John Smoke lock up a fish house, and when I demanded the Key from him; he stated to me he had not got it – so I turned the house over and there I found James Bart, "alias somebody else" – with a bag, and several black leafs. –

I Have the Honor &c
John Wilson
F. O.

The Hon. the Commissioner
of Crown Lands
Quebec

Sunday – 26 – feb 1865,

Proceeded to B. Bay, near the Shigaidia canal – found as per my report – went out at 1, p. m. came in at 6½, p. m – Miles 12 – Hours 5½ – Horse & cutter, $1.50,

Monday – 27. feb: 1865. –

Proceeded to Shigaidia canal and examined, and enquired who the person was who gave his name as James Lear; found in fish house the previous day, reported same to James Lahille Esq. J. P, took out summonses for the other parties – went out at 9. A.m came in at 6. p. m, Miles 14, charge $ 2.50. –

Tuesday – 28. feb: 1865. –

Proceeded to Hamilton, thence to the Beach served a summons on John Degen to appear at Stoney Creek at 10. A.m – 1st of March to give evidence – went out at 8, A.m – came in at 6. p. m; Miles 22, charge $ 2.50, – McFlagan with me. $1. –

Wednesday – 1st March 1865. –

Proceeded to Stoney Creek to attend an adjourned Meeting of the case before J. Wesley Hopkins Esqr. J.P., went out at 8, A.M., brought Constable MacLogan with me, came back at 6, P.M., having proceeded to East Flamborough and served summonses on John Smoke Miles 26, – Hours , charge $3, took out a summons for young Krell, – paid J. Wesley Hopkins Esqr. J.P., 50¢ for summons and information. – –

McLogan 1.50

Charges for Month of Feb 1865, as follows: – – –

Extra allowance for the month of February 1865 – $10.

| | | | |
|---|---|---|---|
| Monday – | 6, February – – – – | $1 | 00¢ |
| | 7, " | 2 | 10, |
| | 9, " | 1 | 00 |
| | 10, " | 2 | 00 |
| | 11, " | 1 | 50 |
| | 12, " | 2 | 10 |
| | 13, " | 2 | 00, |
| | 15, " | 1 | 50, |
| | 17, " | 3 | 00 |
| | 18, " | 3 | 00, |
| | 22, " | 3 | 00 |
| | 23, " | 2 | 85, |
| | 24, " | 2 | 97½ |
| | 25 " | 1. | 50, |
| | 26, " | 1. | 50 |
| | 27, " | 2 | 50, |
| | 28 | 2. | 50 |
| To taking fish to deaf & dumb Instn " | | – | ,25 |
| | Total, – | $36 | ,27½ |

107

Sir,

2d ~~Feb~~ March 1865.

In your letter to me of the 20th ultimo, you say – "If nets are used purposely for Siscos – presumed to be herring salmon, – is this presumption correct? – and unless they can be considered white fish, it would be necessary to prescribe a mesh, what size?"

My reply is, and shall be what I have learned upon enquiry from others on the subject and hardly any two agree; – some persons are under the impression that Siscos are young white fish – others designate them "Sisco herrings" – "creek herrings" – others "plain Siscos" – and do not consider them as having any connection with either white fish or herring – being a distinct fish – deriving the name from Sisco Bay, situated in Lake Ontario – some place near Oswego, on the American side, – where one person told me they were first discovered – while ~~the~~ old fisherman says they come up direct from the sea to spawn, and are only to be found in that portion of Lake Ontario, supposed to be Salt Springs. –

They are a splendid fish, rich in flavour, fat and pleasant to eat, and like the salt water herring, Dublin Bay, Ireland – always in good condition to fry and cook themselves – or to use a fishermans phrase – they are good fish – and need no butter. –

I believe a clause might be introduced into the Amended Act – allowing them to be taken with gill nets, with a mesh of 1 3/8" inches square – this size will not take the smaller fish, but altho some of the fishermen on Burlington Beach desire to have a net with a smaller size mesh for catching them still I would not desire to have the size of any net, less than 1 3/8" inches mesh square – and I believe a net of this size would not take Lake Huron herring, and it is a prevailing opinion

with

with some of the fishermen, that 1½" inches square mesh ought to be sufficient for Siscos and herrings all around; without any diminution of size - I leave the matter with you to decide, -

Fred. Leroy - a fisherman at Burlington Beach told me that he caught 300 Siscos with a three inch mesh net. The proper time to fish for Siscos would be from the 1st. of November until about the 31st. of December - after this, they are not so good - Spawning having commenced. - -

The proper size to make the meshes of Seines for Catching white fish - I would most respectfully propose for your ~~information~~ consideration ought to be 2" inches square or four inches around the block - Salmon trout net, I believe is most acceptable, as proposed by me. - Hoping you will pardon me for ~~a~~ tedious the answers to your enquiries.

I Have the Honor &c

John Oker

F. O.

The Hon
The Comr
Crown Lands
Quebec

Thursday 2d. March 1865. —

Proceeded to Hamilton and got a witness summons for Wm. Newcombe to appear at Johnson's Smoke, went out at 9, did came in at 4, p. m, Miles 10, charge for Hire & Litter $1.50 — Served him with same. —

Hamilton, 3, March 1865.

Sir —

I have the honor to report for your information that Mr. Samuel B. Freeman the County atty. has been ill and confined to his bed, for some time, and lest he might not be able to attend the Quarter Sessions in person, to be held here on the 16th. of March — I will feel greatly obliged by your sending me a copy of Mr. Freeman's note, to which you refer in the letter you wrote James Cahill Esqre. J. P. — on the 20th. of February last, a copy of which I have the honor to acknowledge the receipt of —

I Have the Honor &c.
I W Kerr

The Hon.ble
The Commr.
of Crown Lands
Toronto

3rd March 1865.

Sir — I have the honor to report for your information that with reference to my letter to you of the 20th ultimo, enclosing copy of appeal from George Klengensmith, who was fined ten dollars and costs see my report of the 18th ultimo, House No 4. — I was this day served with a Notice which will inform you how this Case has terminated,

I Have the Honor to be
&c &c &c
John Wker
J. O

The Honble
The Commr
of Crown Lands —
Quebec

Copy. —

To, James Cahill Esqre and John Wker,

Take Notice — that the notice of appeal on behalf of George Klengensmith served on the 20th of February last, is hereby withdrawn.

Dated 3. March 1865.

Burton, Cadlis & Bruce
attys for
George Klengensmith

3. March 1865.

Sir, I have the honor to report for your information that with reference to my report of the 27th ultimo; John Smoke to whom I alluded therein, was this day summoned up before James Cahill Esq.re J. P. and from the evidence produced by me — he was convicted and fined twenty dollars and Costs or three months in Goal; — William Henry Barnard — and his brother ("James Bass") have for the present left for parts unknown; when they return, I will pay my respects to them.

I Have the Honor &c,
Lohel Wells
J. O.

The Hon
The Commr of
Crown Lands,
Quebec.

Friday, 3 March 1865. —
Proceeded to Hamilton and attended before Jas; Cahill Esq.re J. P. to prosecute John Smoke for fishing on Sunday last 26th of February last, he was fined $20. and Costs or three months in Goal went out at 8. A.m — proceeded to B. B. and looked about the clay wharf — came in at 6. P. m — Hours 10. — Miles 12. Horse & Cutter 1.50 —

Saturday, 4th March —

Proceeded to Hamilton and attended at the Police Court — the Case was adjourned until 3. p.m — attended at 3. p.m — proceeded from thence to Burlington Beach and around by Stoney Creek served Wm George Krell, with a summons for Spearing Fish & having same in his possession on the 31st of Jany last — went out at 8. am came in at 8½ p.m. — Miles 26 — Horse & Cutter $3 — for further particulars refer to my rept of this day, —

Sir, 4th of March 1865.—

I have the honor to report for your information that, with reference to my communication to you of the 18th of July last, please refer to fish house No 5. I had John Bates summoned this day, before James Cahill Esqre charged under By Law No 3. — Fishery Act. — Mr Charles A. Sadlier, Solicitor appeared for Bates, and as heretofore scouted at the By Law, as having no connection with the Fishery Act — that it was passed by some clerk — meaning I presume Mr Whitehead, and that neither the Govr General, nor any Member of this Council had anything to do with passing it. — Mr Cahill repudiated this assertion. — The decision in this case will not be given before tuesday next, — Such swearing as John Gaffe made, is needless to refer to. My evidence was objected to by Mr Sadlier on the ground; that as I am entitled to half the fine, I should not be examined as a Witness at all. —

Mr Sadlier, publicly alluded to Mr Freeman's opinion, and asserted openly in Court — that all those people who were in the habit of spearing fish — might continue to do so, there was no law to prevent them, And all those people recently proceeded against and convicted by His Worship were illegally convicted; he expressed his determination to bring this Case of John Bates before the Court of Queens Bench, and so test the Validity of the Law

I am perfectly satisfied with the Law, as referred to, laid down in Mr Cahill's letter from you, of the 20th of feb. last, but at the same time, consider, it my duty, and I am determined that the Head of the Fishery Branch of the department of Crown Lands, should know everything, that transpires, under my observation. — John Bates is a very litigious character.

The Hon: the Commission, I Have the Honor &c,
&c. &c. &c.

John W Foss J. C.

Sir!

6th of March 1865,

With reference to your letter to me of the 11th of January last, stating that "Capt.n "Baxter - the Ordnance representative at Niagara, "had disposed of the fishings there, for the last "two seasons - under instructions from your de= "partment."—

And also with reference to your letter to me, of the 28th of January last, when you appd.t me over the County of Halton, you say; "It will be further considered, if on the south "side your limits can consistently with prior ar= "rangements, and existing circumstances, be made "to embrace the Lake frontage, along the Town= "ships of Grimsby, Clinton, South, Grantham and "Niagara, to the Niagara River,"—

I have the honor to report, and I understand from a person, a resident in Niagara that, that Captain Baxter referred to, died there a few days ago; and whilst I have always made it a rule never "Knowingly" to apply for any more situation, during his life time, I hope you will not consider me out of place now, if I refer you to the above extracts of your letters - just quoted.—

To give me the appointment over the County of Lincoln, will give me the entire control over those persons resident ~~on~~ Burlington Beach — whom I hear go yearly to Niagara to fish there without your Leave or Licence —

If you have no fishery Overseer in the County of Welland, Haldimand and Norfolk, would you, if you deem it expedient, be pleased to appoint me to those three Counties also. — Port Dover and Long Point are situated in the County of Norfolk —

and

and supplies the Hamilton Market - with a great quantity of fish, both in and out of Season. - I believe if the New Amended fishery Act was made Law - I would soon stop the illegal part of it.

I Have the Honor,
&c &c &c
Tohill Kerr
J. P.

The Hon
The Com: of Crown
Lands - Quebec

Kerr vs Bates & others -

By the 1st & 46th Section of the Inferior Act.
The Governor in Council has power to regulate & prevent fishing - the regulations apply to all fishers, the prevention to certain modes of fishing - hence by Land No 3 - was passed - whereby "it is forbidden to fish Capture or kill fish by means of Spears - Except only by Indians" as to the evidence of the informer it may be admitted or rejected by the Justices, who are the sole judges of the credibility of the witnesses - it has been so decided in Regina vs Drake 2 Str. 489 in the Queen's Bench (England) see Oxley on Con - page 89 -

Isaac is fined for each offence 15 $ & costs or 2 months in gaol — Bates fined 15 $ & costs or 2 months in gaol

6th March 1865,

Sir, I have the honor to report for your information that with reference to my report of the 22d of Feby. enclosing copy of Summons, served upon me at the suit of John Bates. – I attended before J. W. Hopkins Esqre. J.P. at Stony Creek, on the 24th ultimo, was arraigned ("the constable was not called upon to plead") pleaded not guilty, and was tried. – As Mr. Freeman, the County Attorney is ill and confined to his bed; I employed Mr. R. R. Waddell, the County Solicitor, who ably defended the case. – Such swearing as George Klingensmith and John Laaffe made I have never witnessed, Klingensmith has since cleared for United States fearing he might be taken up and charged with perjury. – –

A large number of respectable persons friends of mine; attended the trial – they condemned the conduct of the Magistrate. – The Reeve of Saltfleet, Mr Alvey F. Jones – presided with Mr J. W. Hopkins, they were divided in their views of the case; – after a scene, which I hope I may never witness again the same in a Court of Justice, proceedings were adjourned until the 1st of March: – I attended the adjourned Meeting on the 1st of March, had the Constable with me, and Mr Hopkins, a document of which the annexed is a copy. – Mr Jones who resides at Stony Creek, told me he was so disgusted with the conduct of the Magistrate, Mr J. W. Hopkins – that he did attend and preside at the adjourned meeting of March 1st. –

While at Stony brook, on the 1st of March — I was served with a Notice by J. W. Hopkins Esqr J. P., of which a copy is sent herewith:— I have no remarks to make on the Magistrates conduct, towards me; Leave you to form your own judgement and opinion —

I Have the Hon &c,
Gohel W Kerr
T. A

The Honble
The Commissioner
&c

Copy

To
J. W. Hopkins
& Alva G. Jones Esqrs

Hamilton
26, Feb 1865

Copy

Take Notice &c, &c,

Thursday – 9th March 1865.

proceeded to Hamilton – to attend Court there but found the Constable had not served the Summons in case agst John Bates – from thence to to Fitzlers Hotel Burlington Beach – and attended before John Wesley Hopkins Esqre J. P., to prosecute Wm George Kule for spearing on the 31. of Jany last – Constable McGlagan gave evidence, decision reserved until Saturday the 18th inst. people gathered in presence of the Magistrate – and a stone was thrown which struck the Bridge – McLogan returned to the Hotel to enquire who threw the stone when Jno: Crofthwaite said it was not intended for him but me – and Philo Bates said, the same thing – went out at 8. a.m came in at 7. p.m – Miles 22 – Hours 11 – H & Cutter 2.50.

Sat: 11th March 1865 –

proceeded to Hamilton to attend before the Magistrate as a Witness agst John Bates – The Magte having fined Laaffe 1$ for fishing with an illegal net on the 26th of Dec: last, and costs & 1$. for fishing with an illegal net on the 11th of Jauary last, and costs – or 2 months in Gaol for each offence. –

& John Bates 1$. and costs or 2 months in Gaol. for having killed a fish by means of a spear on the 18th of February last – McGlagan withdrew his charge agst John Bates – went out at 8. a.m came in 6. p.m – Miles 6 – Hours 10 – Horse & Cutter 1.50.

Hamilton, 13th of March 1865.

Sir, — With reference to my report to you, of the 4th instant, regarding the proceedings against John Bates, for spearing or killing a fish by means of a spear, — the decision being, at the time, postponed by the presiding Magistrate James Leahill Esqre, J.P.,

I have now the honor to report more fully on this case, at the same time I am enabled to send you a copy of the Magistrate's decision of conviction, by which you will learn that John Bates was fined $15, & costs or two months in Goal.

I find on referring to copy of my letter to you of the 4th instant, that I altogether omitted another case I had on the same day against a person named John Yaaffe, whom I charged with having in his possession an illegal net in active use, with a quantity of fish therein on the 26. of Dec; & the 11th day of January last past, Yaaffe ~~he was~~ tried also on the 4th instant, and I was myself the only witness against him — ~~on which occasion~~ Mr. C. A. Sadlier impugned my evidence, this case was deferred by the Magistrate at the time, — but after carefully consulting the Law in these cases — John Yaaffe was fined $15 and costs, in each case or two months in Goal.

I Have the Honor to be
Sir,
Your Obt. Servt.
J. W. Keys
J. P.

1 John Yaaffe, is one of the cases, disallowed for want of jurisdiction — please refer to my Communication to you of the 17th of January last

Sir

Hamilton, 13th March 1865.

I have the honor to report for your information that I have been informed by Mr Charles A Sadlier Solicitor for Duncan MacGilivray and William George Krall - that no appearance will be entered by him on their behalf at the Quarter Sessions to be held in Hamilton on tomorrow the 14, instant -

It appears the appeals as to J Wesley Hopkins J.P. Convictions in those two cases made by my attorney - have had the desired effect. - If time permits please refer to my letter to you of the 21st of January last, for the full particulars

I Have the Honor to be
&c &c &c
John Wise
J.O.

The Hon
The Commissioner
of Crown Lands
Quebec

---

Sir,

Hamilton, 13. Feb: 1865.

I Have the honor to report for your information that on thursday last, I had Wm George Krall summoned up before J. Wesley Hopkins Esq. J.P. for fishing for or Killing fish by means of a spear, on the 31, of January last, the evidence was taken down, - and the Magistrate deferred his decision until Saturday the 18th inst. because as he said - There were so many doubts and opinions upon the law of spearing - he would wait to hear the judges opinion at Quarter Sessions to commence tomorrow, - in this he will be sadly disappointed, as the only appeal to be tried (and it is very doubtful, if it will be tried) is the appeal of Duncan MacGilivray fined 10 & Costs, for fishing with an illegal net, in contravention of the 26, Section of Fishing act. -

I Have the Honor to be
Your Ob't Servt
John Wise

The Hon
The Com of
Crown Lands
Quebec

Sir,

14, March 1865.

I have the honor to report for your information, that I brought Alex: Garrick of the Township of Beverley, before James Cahill Esq^re J.P., this day, charged him with having a deer (a fine doe) in his possession, contrary to section No: 2, and section No: 9, of the Game Laws of Upper Canada. —

He brought the same into the Hamilton Market for sale, he was fined five dollars, and costs, or one month in Gaol. — —

He paid the fine &c, the deer was confiscated, and given by the Magistrate to the "Orphans Home", a charitable institution in this City.

I Have the Honor to be,
&c. &c. &c,
Sir
Your Obt Servt
H. O

To,
The Honble
The Commr
of Crown Lands
Quebec

Tuesday March 14, 1865.

Proceeded to Hamilton and attended the General Quarter Sessions – being bound to attend there – went out at 9. a.m. came in at 7. p.m – Miles 6 – charge # 2,

Wednesday March 15, 1865.

Proceeded to Hamilton to attend the Quarter Sessions – went out at 9. a.m came in at 9. p.m attended all day in court – Had to make an affidavit to put off trial – ~~went out at~~ McLogan being absent in the States. – – Miles 6 – charge 2,

Wednesday – 16 – March 1865

Proceeded to Hamilton – McLogan house – the trial went on – see below – went out at 8. a.m came in at 9. p.m – Miles 6. charge # 2

QUEEN VS. M'GLOGAN.

This was a case in which Sergeant McGlogan was charged with having committed an assault upon one John Bates, while acting under a search-warrant issued by the Police Magistrate, and searching the fish-hut of said Bates.

Mr. Freeman, Q.C., appeared for the Crown; Mr. Start for the accused.

The following witnesses were called for the prosecution :—

John Bates, who said,—On 20th February last, I was fishing with a hook, in my fish-hut, when J. W. Kerr, inspector of fisheries, and Sergeant McGlogan came up; Kerr asked me to open the door; I consented, but before I could do so, they forced the door with a hatchet; the fish hole being about three feet in diameter, I was afraid to be thrown in, and therefore held fast to my seat, when he requested me to move out; my clothes were torn and hands hurt; all the violence McGlogan did was before he read the warrant; I don't know exactly how the injury was done to my hand; Kerr told McGlogan to drag me out.

Cross-exan ined—Knew Kerr had charge of fisheries in the Bay, and knew McGlogan was constable; I decline to say whether I speared fish that day; I also decline to say whether I hid away spear or fish; when Kerr asked me to step out of my fish-house, I rose to open the door, but before I opened the door, Mr. McGlogan burst it in; they asked me to come out; McGlogan put his hand upon my right arm to pull me out, and in swinging my arms to prevent being thrown into the hole, my hand got hurt.

John Taafe, sworn, said—Kerr had a hatchet when he and McGlogan went to Bates' fish-house; I heard Kerr say to McGlogan, "bring him out," "bring him out;" Bates asked by what authority; McGlogan read a search-warrant, and then searched the fish-house; Bates told McGlogan that he had no right to treat him violently; McGlogan said, in going out, he was sorry for drawing blood.

Cross-examined—I did not hear McGlogan say that Bates hurt his hand himself; I have been fined for fishing contrary to law; McGlogan had no hatchet in his hand at any time.

George C. Smith, sworn, said – I saw Kerr put an ax to Bates' fish-house door and open the door; Kerr had hold of me by the collar of the neck; I was a prisoner myself; Kerr had arrested me for fishing contrary to law; there was scuffling inside the house, which I did not see; I saw blood on Bates' hand, and heard McGlogan express regret that blood was drawn.

Cross examined Saw Kerr hand an ax to McGlogan; am sure of that.

J. W. Kerr, sworn, said—I am inspector of fisheries; in pursuance of my duty, I went down to the Bay, the time this alleged assault took place; I got a search-warrant from Mr. Cahill and went out armed with it; under the warrant, McGlogan had to go with me; having come to the fish-house of John Bates, I stepped to the door and asked him to open it; he delayed a while during which I heard noises in the water; hearing that, I put a lathe-hammer to the door and partly opened it; he then stepped up and opened it; he denied our authority, saying that he had the authority of Mr Freeman and Mr. Sadlier for stating that we had no right; I said we had a right to enter and search, and producing our search-warrant I got McGlogan to read it; he then requested Bates to make way and allow the search; B. refused, and said that if McGlogan tried to put him out, one or other would have to go down the hole; McGlogan ultimately searched and found a fish which had evidently been speared; the warrant was read before any scuffling took place.

Mr. Start then addressed the jury, and said—The fisheries law, so long as it is in existence, must be carried out. If it is a bad law, that is none of our business. Mr. McGlogan's reputation hangs upon this case, as he is a peace officer; for if, in discharging his duty, under a search-warrant, he has been guilty of violent conduct then he imperils his name for prudence and fidelity to his trust. Be it remembered that McGlogan had to go on this occasion to search the fish houses in the Bay. It is very rarely that you see anybody brought up for assault on such a small affair. Why such ado in this instance? McGlogan wished to search the box in which Bates was sitting, and as Bates would not get out of the way in order to allow the search, McGlogan took hold of him and in resisting McGlogan, scratched his hand by holding on to the seat. A constable is not responsible for any inconvenience he may cause in searching a house, provided he do no more in the way of forcing than may be necessary to make a proper search. He is bound to execute the search-warrant, and if any party obstruct the search, the constable is bound to neutralise the obstruction and effect the search. Whether it is an important or a paltry work to go and search a fish hut, that has nothing to do with the point at issue—McGlogan was *bound* to search, and Bates' hand got scratched by obstructing the search, for which he has himself to blame.—Bates says he was authorised to spear, and yet would not answer the question whether he speared any fish that day. Both McGlogan and Kerr are efficient and worthy officers, and for that very reason they have excited a good deal of odium among the law-breakers along the lake. Hence this evidence of Bates and Taafe and others of that stamp; Bates is the only witness of consequence against the accused, but observe you he is an interested party; he was found out breaking the law and was fined. He has feelings of revenge to gratify, and generally must hate officials who interfere with his illicit doings. Bates says McGlogan had a hatchet and raised it; Taafe says McG. had no hatchet at all. Thus, their own witnesses contradict themselves.—Mr. McGlogan has ever been a quiet peaceable official, and it is most improbable that he should have used violence on this occasion.

His Honor charged the jury and they retired.

After about three hours' absence they came into Court, saying they did not find McGlogan guilty of the assault, but of excess in doing his duty.

His Honor told them such a deliverance would not be accepted—they must find defendant guilty or not guilty.

They retired again, and about an hour afterwards came in with a verdict of guilty.

His Honor fined McGlogan $1 and costs—in all, $14.

QUEEN VS. KERR.

The defendant, John William Kerr, is the one who is mentioned in the case against McGlogan as being associated with him in the assault upon John Bates.

Mr Freeman, who appeared for the Crown, said it was not pretended that Mr. Kerr himself did violence to Bates, but he was a party to the assault, was an accomplice. He said, moreover, that he was ready to admit that Mr. Kerr was authorised to execute any such ear-warrant entrusted to him by a Magstrate, even though the warrant might be faulty and not according to law. Constables are not expected to know the law, but they are bound to obey. The question, therefore, is just whether Mr. Kerr acted in the terms of the warrant. As to that, it was clear (he said) that Mr. Kerr had no authority to put Bates out of his fishing-hut. It is quite proper that we should sustain officers of the law in doing their duty; at the same time, we must maintain our liberties, and if the law is administered in a tyrannical and illegal manner, redress must be had. It was clearly not within the scope of the search-warrant to lay hands upon Bates; and if it be alleged that it was essential to a search, that Bates should be put out of the fishing-house, that is a matter of opinion, on which the jury should decide after hearing the evidence.

Mr. Street appeared for the defendant.

The evidence adduced in support of the charges was precisely the same as that given in the case of "the Queen vs. McGlogan," so that we need not repeat it. Smith, Bates, and Taafe repeated their testimony.

Cornelius McGlogan was called for the defence. He said—Am Sergeant of the Police force; when Kerr went to Bates' hut, he had a lathing-hammer; having called in vain upon Bates to open the door, he partially forced the door, and Bates opened it; Kerr then told me to go in and search the house; I asked B. to make way that I might search; he refused, denying my authority as Mr. Freeman and Mr Sadleir had told him that spearing was lawful; I then read the search-warrant, but he still resisted my authority; I did not lay my hand upon him until after I read the warrant; the scuffling which took place was simply in order that I might effect a search; he would not rise up, sit aside, go out, or in any way permit me to search under him; it was, therefore, absolutely necessary to remove him, and in doing so, I acted as gently as was possible; in endeavoring to get hold of his left hand, he waved and flourished it, keeping it out of my grasp,—and in doing so, must have rubbed or struck it against the boards and so hurt it; I used no weapon or stick in dealing with Bates, and could not, therefore, have caused the scratch on his hand.

Mr. Start then addressed the jury.

Mr Freeman followed in one of those calm, able speeches for which he is so famous.

The jury, after an absence of only a few minutes, brought in a verdict of Guilty.

His Honor fined Mr Kerr $1 and costs—the costs amounting to $13.

This concluded the business of the Court at the present session.

C: of W. & H.

Sir,

20, March 1865.

I have the honor to report for your information that Constable Cornelius MacLagan and myself were indicted by the County Attorney Chas. B. Freeman, at the General Quarter Sessions held here on the 14. inst. for an Assault and Battery on John Bates on the 16th. of February last, particulars already reported to you. We have been fined $1 and costs, in all $14. each, — which I hope you will be pleased to lay before his Excellency, with your recommendation; that he will be pleased in each case to remit the same. —

I have no further remarks nor comment to offer on this case. leave the matter altogether with you, and you can draw your inference; please find Report of "Spectator" herewith. —

I Have the Honor
&c. &c.
John Weekes J. C.

The Hon.ble
The Commissioner
of Crown Lands
Quebec.

Memorandum of fines and Costs.

| | |
|---|---|
| Fines to the Queen, | $ 1, |
| County Atty's fee | 10. |
| Indictment, | 2. |
| Filing papers — | 1. |
| | 14 for each |

$ 28. —

John Weekes J. C.

20. March 1865.

~~18~~ 20 March 1865. –

Sir – I have the honor to report for your information, that so soon as the ice leaves the Burlington Bay, and Dundas Marsh – I will require a small boat, to enable me to look after and take up (illegible) nets set therein – A spy glass would be a very useful article for me to have, – Will you be pleased to authorize me to purchase the same, the cost will not exceed for both thirty dollars.

I Have the Honor &c
John W Kerr
F. O

The Hon^ble
The Commissioner
of Crown Lands
Quebec

~~18~~ 20 March 1865,

Sir,

Will you be pleased to send me some paper "foolscap" for to make out my diary on for you for quarter ending 31st of this present March 1865, – ~~and~~ If you have any instructions regarding same please advise me –

I Have the Honor &c
J W Kerr
F. O

The Hon:
The Com of
Crown Lands
Quebec

Sir, 21, March 1865.

Will you be pleased to send me 100 copies more of the annexed notice of my appt for back places in the above counties; and also half a dozen copies of the existing Fishery act, and By Laws,

I Have the Honor to be
&c. &c. &c.,
John W Kerr
F.O.

The Hon
The Commissioner
of Crown Lands
Quebec

Sir, 21 March 1865,

I have the honor to report for your information - that several of the men at Burlington Beach - who fish! - "they are not the legitimate fishermen" - have gone with their nets and boats to Port Dover, on Lake Erie, to fish - I met Dan McGwyne, Alex: Rolla, and others about four miles from Hamilton on yesterday on their way there. -

McGwyne informed me, when he gets through fishing at Port Dover he will go on to Niagara fishing ground in Lake Ontario.

I consider it my duty to apprise you of the movement of those men -

I Have the Honor to be
&c,
John W Kerr
F.O.

The Hon
The Comr
of Crown Land
Quebec

21. March 1865,

Sir — I have the honor to submit for your perusal, and adjudication thereon, copy of letter of this day, received from Mr McIlwraith — President of the Hamilton Gas works —

The Game Laws of Upper Canada, does not, it appears, make any provision — for obtaining Water fowl for the purposes alluded to; and as duck shooting will terminate here, under the existing law, on the 1st day of April, he may not be able to get the birds he requires. I have in the mean time sent him a Copy of the Game Law,

I have the Honor to be
Sir &c &c
J H Kerr
J.O

The Hon
The Com
of Crown Lands
Quebec

21. March 1865

Sir, I have the honor to ~~report~~ communicate for your information that with reference to my report of the 27th ult., in which I set forth that I found Wm Henry Barnard, John Smoke and a person who gave his name as James Coors — fishing on the Queen's day Sunday — John Smoke was fined $20 & costs —

The other two absconded — but surrendered themselves on Saturday last, — their names are Wm Henry Barnard and John Barnard, brothers — the Magistrate fined them five dollars each and costs — for fishing on Sunday — half the fine in this case goes to the Municipality of the Cte of Hamilton, — and half the fine in the case of Alex Cassick — please refer to my report of the 14th ins, also to the Municipality — but half the fine of John Smoke will go to the Crown —

I Have the Honor to be
&c &c &c,
Sutherland Kerr
P.S.

The Hon^ble
The Comr. of Crown
Lands —
Quebec —

Sir,

24, March 1865,

I have the honor to acknowledge the receipt of your letter of the 23rd inst, communicating to me, that since the death of Captain Baxter of Niagara, the Hon^ble Commissioner, has extended my limits, so as to include the Co. of Lincoln, — and that my supervision extends eastward to the City of Toronto, including the Harbour —

In reply to this further mark of consideration, conferred on me, believe me, I feel grateful, and it shall always be my constant care and endeavour to do my duty faithfully, to the satisfaction of the Hon. Com., and all other gentlemen, acting under him in authority over me —.

I Have the Honor to be,
Sir
Your Ob^t Servt
John W. Kerr
H. O.

The Hon^ble
The Commissioner
of Crown Lands,
Quebec

Sir

27, March 1865,

I have the honor to enclose you herewith - the opinion of Mr S. B. Freeman - Crown attorney - I have read it carefully over, again and again, so has Mr James Leahile - the police Magistrate, and Mr Waddell -

This opinion has no weight with any of us - as for my own part, I shall attend to my orders -

Many thanks for the perusal of this document - it has been quoted again, and over again, at every case of spearing fish I have had before the Magistrate during the past three months, and now when the document itself turns up, - what does it amount to, as Mr Leahile says, and who is himself a Barrister of longer standing than Mr Freeman -

I Have the Honor to be,
Sir
Your Obt Servant,
John Wiker
J. P.

The Honble
The Com: of
Crown Lands
Quebec

Sir,

28 March 1865,

I have the honor to submit for your consideration, the application of Mr E. F. Sander of Port Colborne, to rent a certain fishing ground, which he describes as situated "within Gravel point", on Lake Erie.

Altho, this is not included in my jurisdiction, still, should you instruct me, I will run down there by Railway, and report to you according to instructions. —

I Have the Honor &c,

John W Kerr
J. O

The Hon^ble
The Commissioner
&c. &c. &c,

Pt Colborne, C. W.
March 25 1865,

J. W. Kerr Esq^re
Insp of Fisheries
Hamilton

I am desirous of renting for a term of ten years, the fishing ground between Kangs Point & Sugar Loaf Hill at Port Colborne on Lake Erie. I beg to refer to S. D. Woodruff, Supt, Welland Canal St. Catharines, and N. Higgins Harbour Master Pt. Colborne. An early answer stating terms &c, &c, will oblige

Your obedient
E. F. Sander

Wednesday, 29, March 1865.

proceeded to Burlington Beach to answer the complaint of John Laaffe, and Fred.k Lorey for wilfully and unlawfully breaking their fish house on the Bay 13th. of January last, —

In the Case of Lorey — was fined. — —
Fish House $ 4.00 ¢
Constables fees " 1.50,
Magistrate " 2.00 = 7.50 ¢

In case of Laaffe — was fined. —
Fish House $ 4.00 ¢
Constables fees " 1.50,
Magte. " — — " 2.00
3. witnesses. — — 1.50 = $ ¢ 9.00, —

Went out at 9. A.m., came in at 9. P.m., went round the Beach, and made my inspection — Miles 26, — Miles 32, Horse & buggy $ 2.50 — tolls 10 ¢ —

Thursday. 30 March 1865,

Proceeded to Hamilton to see James Cahill Esqre J. P. respecting the arrest of Melville Bauseckle Mortimer Leary, and Jonathan Leary — went out at 9. am came in at 4. pm Miles 6, — charge $2,

30. March 1865,

Sir — I have the honor to acknowledge the receipt of your letter of the 24, inst. relating to a spy glass and boat which is quite satisfactory

I Have the Honor &c,
John W Kerr
H. O,

The Hon:
The Com: of
Crown Lands
Quebec

30. March 1865,

Sir,

I Have the Honor to acknowledge the receipt of your letter of the 24, inst. with reference to the application of Mr McGillivraith, and which I have communicated to him, —

I Have the Honor &c
J W Kerr
H. O,

The Hon^ble
The Commissioner
of Crown Lands
Quebec

30, March 1865,

Sir, I have the Honor to acknowledge the receipt of 9, blank forms to be filled up with the particulars of prosecutions, brought by me as well under the Game, as the Fishery Laws —

The Game to be for quarter ending 31, of March &c &c, and which I beg to assure the Honble the Comr; will be strictly attended to, and forwarded in due time —

I Have the Hon
John Wkers
F. O

The Hon:
The Commissioner
of Crown Lands
Quebec

30, March 1865

Sir, I have the Honor to acknowledge the receipt of a package of Stationery, six copies of the Fishery Act — and 49. Notices of my appointment by the Hon: Commissioner of Crown Lands — and for which accept my thanks —

I Have the Honor &c

John Wkers
F. O

The Hon^ble
The Commissioner
of Crown Lands
Quebec

Friday, 31st of March 1865,

Proceeded to Burlington Beach, Township of Saltfleet, and took a copy of the information of John Taaffe and Fred^c. Corey, also the evidence given against me, by Jacob Krell, Aaron Fletcher, and Cornelius MacCagan - went out at 7 o'clock. Arr. came in at 6½ p.m. Miles 26 - made copies of same for Mr R.R. Waddell to enable him to appeal against the decision or Conviction &c of John Wesley Hopkins Esq^re J.P.^s - Charge $3 -

Cornelius MacCagan - arrested, Mortimer Corey, and Melville Van Sickle - for a breach of the Fishers Act, - Convicted in the sum of $8, and Costs $16. - Committed to Gaol for one month, - Miles 8 - charge of arrest $
Mileage $ . Total $ .

Charges for the month of March 1865

as follows: —

| | | | | |
|---|---|---|---|---|
| 1 | March — | | 3 00 | Extra pay for month of March $10. |
| " | " | Information & Summons — | — 50 | |
| 2 | " | | 1 50 | |
| 3 | " | | 1 50 | |
| 4 | " | | 3 00 | |
| 9 | " | | 2 50 | |
| 11 | " | | 1 50 | |
| 14 | " | | 2 00 | |
| 15 | " | | 2 00 | |
| 16 | " | | 2 00 | |
| 29 | " | | 2 60 | |
| 30 | " | | 2 00 | |
| 31 | " | | 3 00 | |

Total for March 1865. — $27.10 —
" for February. — — — " 36 24½
" for January. — — " 38.75
$102.12½

Deduct
Balance on hand at last aft — 11.80
Amount still due — — $~~89~~ 90.32½

2nd. Rent for Office $10. Not charged. — — —
Extra pay - Jany 12 00
" " Feby 10 00
" " March. 10.00
Charges by R R. Waddell. on 2 occasions. — — — 10.00
" four appeals. — — — 4.00
" Mr Start for pleading for Self & MacFlagan 15.00
" fines on Self & MacFlagan & costs — $28.00
Constable MacFlagan on duty — 18 00

Total $163.32½

Guinsy July 1767

Kerr
Inspector of Fisheries
Hamilton

Sir Jeremiah Zimmerman wants to lease the privilege of fishing on the Shore of lots Nos 18 & 19 in the Township of Clinton I consider Two Dollars a sufficient rent if agreable send him a lease and I will see all right.

Yours Truly
Byard McCauly

Saturday – 1st of April 1865. –

proceeded to Hamilton, and got up copies of appeal in Case of Fred.k Lorey – and John Gaaffe – served John Wesley Hopkins Esq.re J. P. with the same went out at 8. o'clock. a.m. came in at 6. p.m – Miles 8, charge for appeal $4, charge for self $2, – –

Sir, 3. April 1865.

I have the honor to state for your information, that the following persons as named herein; have not been tried for a contravention of the "Fishery Act" committed during the past quarter. On consulting with James Cahill Esq.re J. P. – we have decided to let those lie over for the present. –

1 Henry Potkins, } Fishing with an illegal net
2, James Krall. – }
3, Wm. Goaland. Spearing herring. –
4, Henry McMillan, Had a spear, and a decoy fish in his possession, in a fish House. –
5, Alex.r Rolla – Fishing with an illegal net,

I Have the Honor &c.

John W. Kerr J.P.

The Hon.ble
The Com.r of
Crown Lands
Quebec

Sir, 3. April 1865. –

I have the honor to acknowledge the receipt of your letter of the 30th ultimo, in which you ask me – "Did the Judge charge explain the power conveyed by a search warrant"? – In reply I have to state for your information, that his charge to the Jury was lucid, and explanatory on the subject – The County Atty however seemed not satisfied with his opening address to the jury – after the Court "on Counsel" addressed the Jury – Mr Freeman rose again, and his language was as follows: he said – "It was the inherent right of the Bates to spear fish" – "and there was no law to prevent it" – "and any person who would go down to Quebec would at this moment (while he was speaking) find hundreds of fishing houses on the ice there, and there was no one to prevent them" – "The Governor in Council had no power to make By Laws to prevent spearing", and so on &c. &c. &c.

Several persons who heard Mr Freeman on the occasion, imagined that MacLaggan and myself had committed some terrible crime! – – –

It was palpable Mr Freeman attempted to draw from the Judge – and he believes Judge Laché would express an opinion on the Laws of Spearing – seeing which I however! handed him up of the Bench

your letter to Mr Loahile, and the Bay laws His expectations were frustrated. —

I have the Honor to thank you for the kind and considerate manner, in which you received my report of the Case; be assured, nothing shall be left undone on my part to merit a continuance of your favourable regard. — —

I Have the Honor &c,

John W Kerr

F. O.

To
The Hon
The Com:
of Crown Lands
Quebec

3. April 1865. —

Sir, I have the honor to enclose for your information quarterly return of fines ending 31. March 1865. —

This return will shew the same, amounts to $160, of this, a sum of $71, has been paid, $33, of this latter amount, was paid into the Montreal Bank here to the Credit of the Fishery Branch; the account you will please find; stands thus! —

| | |
|---|---|
| Total amount of fines, quarter ending the 31st day of March — 1865, — is | $ 160.00 |
| By amount paid, $33, of which belongs to Govt, Fishery Branch — | $60.00 |
| By amt, paid $2½, of which belongs to the Municipality of Hamilton — | 5.00 |
| By Commd to Gaol for one month — | 16.00 |
| By sick & not fit for Gaol | 8.00 |
| By amt of fines appealed on ⅟ — — | 55.00 |
| By fines not yet paid, time given | 10.00, 160.00 |

I Have the Honor &c

John W Kerr

F. O.

The Hon
Com of
Crown Lands
Quebec

Sir!

3. april 1865.

I have the honor to report for your information, that with reference to Alfonse Corey and Melville Van-Sickle committed by James Cahill Esqre. J. P., to Goal for one month each for a breach of the Fishery Act. —

Mr. Cahill has this day informed me, that a Captain Hall of Wellington Square, and Mr. Corey of Burlington Beach, have given their joint note for sixteen dollars, and the costs and that he has liberated them from Goal. —

In reference to my quarterly return sent you this morning, you will please find their names as Committed to Goal for one month each. —

I Have the Honor &c,
John W Kerr
J. P.

The
Hon.ble
The Commissioner
of Crown Lands
Quebec

7th april 1865,

Sir, I have the honor to enclose for your information, and approval a diary of actual duty performed by me for quarter ended 31st day of March 1865. — The total amount is for Horse hire and Conveyance a sum of $102,12½. I had a small sum of $11,80 in hand at last acct which leaves the department $90,32½ stile in my debt. —

The Constables acct and amounts to $18 — for the quarter, Mr R.R. Waddell's acct is $14, Mr Recorder Stant's Account is $15, and the Certificate of the County Attorney called for by your is and $26, instead of $28 —

Having done all my writing principally in my own house, in the Township of Bolton I do not intend to charge office rent for the past quarter, But if you are pleased to add an allowance extra pay, you can fix the amount yourself for the past quarter

I have the Honor &c

Lohall Lee

The Honble
The Commrs
Crown Lands
Quebec

Tuesday · 4 April 1865 —

proceeded to Burlington Bay near the heights — saw Mich: Morrison of Dundas out on the Bay in a Boat — he fired a rifle at a flock of wild ducks — I warned him agt. the impropriety of shooting ducks — went out at 9. Am came in at 6. P. m — Miles 12 — Hours 9 — Charge $2. He had a teal and widgeon in his possession which he got for a sick child as he stated. —

Wednesday — 5. April 1865 — Nothing

Thursday 6th. April 1865. proceeded to the City of Hamilton — and obtained the certificate of Costs and fines $26, imposed on me at Macflagan — also received McLagan Receipts for $18, Recorder Start for $15 — R R. Waddell for $14, — went out at 9. Am came in at 4. P m — Miles 6 — Hours 7 —

Thursday Eve til 11 pm — at my diary —

Friday · Friday 7th. until 2. P. m — at my diary thence to Hamilton — mailed same — went out at 2. Pm came in at 7½ Pm — Miles 6 —

Saturday — 8th. April 1865. proceeded to Hamilton to Audit Schools acts County of Wentworth, — came home —

proceeded to Hamilton to go on the Bay in quest of nets — went out at 5. Pm came in at 10½ Pm — was disappointed in

getting the person I arrange to go with —
Mills 86 —

Sir, 12. April 1885,

With reference to the 2d paragraph in your letter to me of the 23rd of March last, thus! "Sometime during this week instructions will be sent to you regarding the fishing stations &c. at Burlington Beach and around to Niagara as also about those between Hamilton and Toronto. —

I am led to believe that the fishermen have commenced fishing at Niagara for White fish, as also between Hamilton and Toronto, if the instructions &c alluded to are made, please send them up, also a list of the fishermen, as recorded in your Office. —

I hope you will pardon me for drawing your attention to the above paragraph of your letter,

I Have the Honor
&c &c
John Oliver
M. O —

The Hon
The Com
of Crown Lands
Quebec

Sir,

17. April 1865.

With reference to your letter to me, of the 4th. inst. in which you allude to the extension of the limits under my charge, and conveying to me the intelligence that the Hon: "the "Commissioner allows pay to rate at $100. from "1st. of January 1865, pending an amended an "amended fishery laws"?

To what period of time does this $100. apply?-

I Have the Honor
&c. &c. &c.
John W. Kerr
J. P.

The Hon
The Commissioner
of Crown Lands
Quebec

Sir,

17. April 1865.

With reference to your letter of the 10th. instant, acknowledging return of fees for the quarter ended 31st. of March last; Your suggestion as regards John Bates and Wm. Kell, will be complied with; Mr. Leahill and myself having talked the matter over, have arrived at this conclusion.

I Have the Honor &c.
John W. Kerr
J. P.

The Hon
The Com:
of Crown Lands
Quebec

Sir,

17. April 1865.

With reference to your letter of the 10th inst. regarding the Search Warrant &c. &c. &c. —

I have the honor to acknowledge that the same was duly received, and its contents will be noted by me.

I Have the Honor &c.

John W Ker

M.C.

The Hon^ble

The Commissioner

of Crown Lands,

Quebec

Sir,

17. April 1865,

I have the honor to acknowledge the receipt of yours of the 10th instant, intimating that the Department approves of the course taken by me, as submitted to you in my letter of the 3rd instant, regarding the persons therein named, reported as acting "in contravention of the Fisheries Act".

I Have the Honor &c

John W Ker

M.C.

The Hon^ble

The Commissioner

of Crown Lands,

Quebec

Sir,

17. April 1865,

With reference to your letter of the 10th instant, in which the Hon: Commissioner thinks that having proposed by his "New Fishing Bill" to admit spearing under certain restrictions, &c. &c. &c,

I have the honor to say, that I shall governmyself in the mean time accordingly. —

John W Ker

M.C.

The Hon

The Com

of Crown Lands

Quebec

Sir,

18 April 1865,

I have the honor to state for your information that a person named Alex Keith, a resident of in the Town of Niagara, County of Lincoln, who called on me to day, wants to lease a small fishery ground on the Lake shore near and west of the 4 mile creek, "commonly called 4 mile run". – He made particular enquiry regarding persons others than lessees fishing on leased property there, I referred him to the fishery Act, and gave him a Copy – section No: 35, and By law No: 7 – is clear on this point. – – –

This person informed me that John Whitmore who is brotherinlaw to Philo Bates of Burlington Beach, and resides at Six mile run County of Lincoln, is determined to fish, on the Leases fishery ground there, and that a person named ——— Grubb residing at St. Catharines is determined to do the same thing – And Keith also states that John and Pat^k Hand of Niagara are at present fishing there in deep water with gill nets

You will also please find on reference to my letter of the 21, of March last, that I then intimated to you persons I named as Alex Rolla Dan Coyne with others who had left the Beach here that day for Lake Erie were determined to go on to Niagara and fish there,

My chief object in writing you is for immediate instruction, as to the Course I should pursue in protecting the legitimate fishermen at Niagara against those intruders and trespassers. – –

I believe John Bolton, Wm Clench and James Cantrade are the Lessees of the fishery at Niagara but I have never received from the Department an official notice to this effect. –

C
S

Will you be pleased to advise me on this subject — and in case I have rigidly to enforce the law, be so good as to empower me to call upon Mr. McDonald, the County Atty. at St. Catharines. —

I have been applied to by Mr James Cantwell of Niagara for his lease for year 1865. Will you be pleased to send it to me for him, —

I Have the Honor &c.

John Wiles
J. O

The Hon:,
The Commissioner
of Crown Lands,
Quebec

18. April 1865,

Sir, I wish to make a regular tour of inspection over my whole limits, communicate to you my personal observations regarding the fisheries in general &c. — And before I set out beg most respectfully to ask for instructions, and if necessary your permission to do so. — —

And if there is any particulars, you would wish me to enquire about. —

And be pleased to send me some money —

I Have the Honor &c

John Wiles
J. O

The Hon^ble
The Commissioner
of C. Land

Sir.

19th. april 1865.

I have the honor to enclose for your consideration, ~~I took from the Post Master~~ a letter addressed to to the late Superintendent of Fisheries which I received at the post office here this day.

I Have the Honor to be

Sir

Your obt Servant

John Wilkes

J.P.

The Hon:

The Commissioner

of Crown Lands

Quebec

Sat. 22. apl 1865.

proceeded to Hamilton and around the Bay — went out at 3½ pm came in at 5. p. m. Miles 16 charge $2 — McLagan with me for two hours —

Barton, 25th. April 1865.

Dear Sir, — I am now prepared on my part to carry out the ~~agreement on my part~~ terms of the agreement we entered into and signed before the late Colin D. Reid in June 1863 — and would like to know when you fix a day to execute the deed &c which I will have then drawn up at my expense as was ~~my~~ stipulated —

Yrs respectfully

John Wilkes

Jacob Gilman Esq

Barton.

Immediate and urgent. Co. of Lincoln

Sir,

24. apl 1865.

I have the honor to report for your information that on this day, I received a letter through the P.O. here from Col: Coffin Ord Land Agent, requesting an interview, I waited on this gentleman this eve; On my way to the House of Mr Fox, son in law of the Col, I met Mr Fox who is the Ordnance Land Agent, at Hamilton.

The purport of the interview was as follows: Mr Fox it appears was ordered to take into his possession, the books and papers of the late Capt Baxter of Niagara, – Mr Fox states that on examining the books he found entered in one of them, the Names of the fishing stations at Queenston & Niagara, with amounts paid for each, – A few days ago a person name Henry Sheppard of Queenston called on Mr Fox here tendered for fishing station No: 142 – and paid here $25, on acct of $56, which he proposed to give for same, for one year viz from 1st of May next, to the 30 Apl 1866.

On Col Coffin arriving in Hamilton, Mr Fox made known to him, what he had done, in receiving the $25, from Sheppard, and immediately Col: Coffin, sent me, and on meeting on here he explained the matter and Mr Fox paid me over the $25, which I shall hold until I receive your instructions as to its disposal.

Do you under such circumstances approve of Henry Sheppard, holding the fishing station No: 142, and if you, I want your authority for receiving the balance of the money, and be pleased to send me up the Leases for Niagara &c. immediately; I will pay into the Bank here all the money I receive to the credit of the fishery Branch of the department. –

Whatever you do, in this matter do quickly and let me collect the money for you while

Went to Hamilton to see Col: Coffin

while I can. —

John Dyers of Burlington Beach, and several other fishermen leave there for Niagara fishing ground on Wednesday next, I have been in daily expectation of your instructions "promised" respecting the fishing stations for the last three weeks — please send them quickly. —

I Have the Honor &c

John W Kerr
J. P.

The Hon
Comm of Crown Lands.
Quebec

Barton, 25 Apl 1865.

Dear Sir,

I am now prepared on my part to carry out the terms of the agreement, we entered into, and signed, before the late Colin D Reid Esq^re in June 1863 — and I would like to know when you fix and appoint a day to execute the Deed &c which I shall have drawn up at my expense, as was then stipulated. —

yrs respectfully

J W Kerr

Jacob Silman Esq^r
Barton.

Tuesday 25. April 1865, –

proceeded to Hamilton, thence to Phelans Boat house, hired a boat and proceeded to Carrolls point, thence up the Dundas Marsh – saw a person fire a shot as if some ducks near Lazey house "Marsh" Graham the Policeman with me, went out 11. AM. came in at 4½ pm – Miles 14 – charge for boat was four hours – at 12½ ¢ per hour 50¢ Graham to be paid for rowing 8c, – $.1. and for self $.2,

Wednesday. 26. April 1865. –

proceeded to Hamilton, thence to Phelans wharf hired a boat, went out at 10. AM. came in at 6. p. m – proceeded to the inlet in rear of Fishes foundry and search for a Net, Wesley Page and Wm Sarvis with me, went out in boat at 2. pm, came in at 4. P. m – Charge $0.25¢ for boat. Miles 12, for self $.2,

Thursday – 27. April 1865. –

proceeded to Hamilton – hired a boat and proceeded to Kerr pond, near the Beach – searched carefully for Nets – but found none – went out at 11. AM came in at 8. P.M. – charge for boat 4. hours = 50¢, John Van-Wagner, Lewis Freeman and Wesley Page with me, – Miles 24. – charge for myself $.2

Sir,

28. April 1865.

Having repeatedly written you, respecting the Niagara fishery, but to no effect, and having telegraphed Mr Whitcher for instructions, &c. — in case I do not hear from you by the 1st of May, I purpose going down there on tuesday next. —

Telegraph me, please! if you have anything to say — persons have sent me word to come down for their lease money — and I suppose I have better do so. —

I Have the Honor to be,
Sir
Your Obt. Servt
John W Kerr
F. O.

The Hon^ble
The Commissioner
of Crown Lands,
Quebec

Sir,

28. April 1865.

Mr Sam^l B. Freeman called on me yesterday and wished to know if I received the fines and costs from Quebec agt. McGlogan and myself — I replied not yet! —

I mailed my quarterly return to you on the 6th instant, in which is included the $26, Mr Freeman claims - - -

Will you be pleased to send me up the amount of my acct as soon as possible, for the quarter ended 31st day of March last, and you will oblige me. —

I Have the Honor &c
John W Kerr
F. O.

The Hon
The Commissioner
of Crown Lands
Quebec

Sir,

28th. April 1865.

I have the honor to report for your information that yesterday a person named Mich. Morrison whom I found on the 4th. April ult. with two ducks in his possession — one of which was accidentally caught in a very small trap — and the other a midgeon he had shot with a rifle for a sick child — I have not found any one out shooting wild ducks this month.

I occasionally hear shooting going on but not having a boat under my control — and being obliged for every boat I hire to pay 12½ ¢ per hour and row or employ a person to row — I can only make a slow business of catching wild duck shooters; however to be plain I believe there is very little shooting of the kind going on —

I was out three times during this week; and the Bay and Dundas Marsh are literally swamped with wild duck of various kinds —

I Have the Honor to be
&c. &c. &c.
John W Kerr
F. O.

The Hon
The Commissioner
of Crown Lands
Quebec

Sat. — 29. april 1865. —

proceeded to Hamilton, and on learning where I could find a gill net, arranged with Mr. W. Waddele to go out on the bay and take it up. — on going down to Phelan's boat house found it so rough and blowing hard did not go out — went out at 11. Oin came in at 7. pm Miles 10 — charge $1.50. —

Monday 1st May 1865. —

proceeded to Hamilton, and accompanied by Jack Jr. John H—ll, and Fred. Wy—tt, went out on the Bay, — and seized a long gill net found set there in contravention of the Fishery Act, went out at 11. Oin, came in at 11. p.m. Miles 18 — Horse and Cart to take home the Net $1.50, Boat, 50. charge for Rowers $1. —

Tuesday. 2. May 1865. —

proceeded to Hamilton, first having spread out dried and reeled up the Net. — went out at Noon telegraph'd James Cantwell, to meet me at St. Catherines next morning, went out at Noon Came in at 5. p.m. Miles 8 — paid for telegraph 40¢ —

Wednesday. 3rd May 1865. —

proceeded to Hamilton, thence by Train to St. Catherines thence to Niagara. Cantwell paid for Horse and buggy to meet me there (at St. K) went out at 7½ a.m. arrived Niagara at 2. pm. Charge H & buggy to Hamilton $1. — R. R. fare $1. — dinner 50¢ walked from Niagara to St. Stevensons about 6 miles from Niagara. found there persons trespassing on Jas. Cantwells fishery as described in my letter — saw John Bolton, and asked him to pay for the

take out his License - also saw Mr Thomas Elliott respecting his, — Tea & Suppers 25¢,

County of Lincoln, —
Fishery department,
Niagara 3, May 1865.

Sir.

I have the honor to report, for your information, that I arrived here to day, at 2, p.m, and immediatel commenced my observations of the fisheries in this vicinity. — —

The fishery of Jas Cantwell, as contained in the your lease, is at present literally intersected by several thousand yards of gill nets owned and fished, by the following persons — viz^t, George Williams, John Taaffe and his brother, Alexander Rolla, Dan^l Gwynne, Sam^l Corey, Robert Giles & Philo Bates of Burlington Beach, County of Wentworth — Pat Hand, John Hand, John Whitmore and others in this vicinity. — —

I need not say anything about the B. Beach people except that on learning that I was to be here today, John Taaffe and Gwynne, cut the centre very small mesh their two seines drawn nets, and replaced them by a legal one of proper sized mesh. —

I reasoned with those people about the impropriety of the course they were pursuing by trespassing upon Cantwell grounds - but was told by Dan. Gwynne that Mr Sam B. Freeman Hamilton, had informed him, he could fish there this I do not believe, as it is quite certain that the crown owns up to high water mark, on the shore or Beach, which would be about 12' ft^s from the waters edge to the land. —

I think the best thing to do, would be for the dept^t to write Mr Freeman and instruct

instruct him to come down here and prosecute these several persons, as intruders and trespassers on Leased property. - In the mean time Lantwell is determined to bring them before a Magistrate here, - I only wish the department would still appoint Mr Jas: Cahill and Peter S. Van-Wagner, Magistrates for the County of Lincoln "pending the New fisheries Act" - and then how quickly this Case would be decided and the Majesty of the law upheld. -

Opposite 4 mile run, is a Beach or Sand bar on which there is at present 5, Shanties, erected in which those fishermen cook, and sleep when not fishing, this ~~has~~ bar and beach is Government property. - -

However there is one thing certain that the owner of the land from the 2, to 4 mile run can make no claim as his Deed calls for 100, Acres more or less, as I am informed. - -

I deem it advisable according to your instructions to act with great care and caution, and thereby not involve either myself nor the department, in litigation, without special instructions from you to this effect. -

There can be no doubt that the land and beach in this case as leased to James Lantwell, belongs to the Crown, at the same time to prevent all difficulties that may or might arise, I have under your kind permission deemed it most advisable to lay the foregoing facts before you for Consideration and advice. -

I Have the Honor

I. W. Kerr

F. O.

The Hon
The Com
of Crown Lands
Quebec

P.S. — John Byers "B. Beach" Saine is here. —
please address your reply to me at Hamilton
G W Kerr

County of Lincoln
Fishery department
Niagara 3. May 1865.

Sir.

I have the honor to acknowledge the receipt of cheque for $20, on acct of disbursement quarter ending 30th day of June next, and for which you will please find receipts in duplicate. — —

I Have the Honor &c
G. W. "T" Kerr.

The Hon^ble
The Com: of
Crown Lands. —

Friday - 4. of May 1865.
proceeded to Queenston and called on Henry Sheppard. — and he not having his rent, kindly consented to warn the other posters to meet me at Niagara on monday next at 3 or 4 p.m. pay for and take out lease. —

15

Went out at 12, Noon — came in at 2½ p.m — Miles 12. — paid for Horse & buggy 1.50. Bed and breakfast, and dinner 8 & 7½.
proceeded from Niagara to St Catherines on Horse & buggy — missed 4 o'clock train Horse & B $2. — walked from St Catherine to Thorold got on Emigrant Train — paid $1.10 — to Hamilton from Hamilton home $1.50¼. - - -

Sir

5th May 1865. –

I have the honor to report for your information – that on monday evening last I went out on Burlington Beach, ~~and~~ any in a boat seized and took up a gill net about 800 yards long which I found there in Contravention of the fishery's Act. –

On the following day – Mrs Bauldry of Burlington Beach – claimed this Net as her property – it is valued by her as worth $60 – ~~and~~ I spent half a day drying it – and have reeled it up – so as not to lessen its value. –

Mrs Bauldry is a Widow ~~resident on Burlington Beach~~ – ~~who~~ she kept Tavern, until recently ~~the Township rate payers voted in favour of Duncans Bill~~ – She rented a fishing ground opposite her place on Lake Ontario ~~the~~ ~~Lake~~ and I believe always paid ~~you~~ her rent. –

Mrs B ~~She~~ pleaded very hard to get back this net again, but of course that is a thing I cannot do on my own responsibility. – She promised faithfully never to offend again. – I really feel for the poor woman –

I Have the honor to submit this Case for your consideration and decision –

I Have the Honor

John W Kerr

F. O.

The Hon

The Comr of Crown Lands.

Quebec

Sir

5. May 1865.

I have seen Mr R. R. Waddell, he will be down by the morning train on monday at St Catherines, he will drive off the trespassers But you will have to pay me for the Deed, on monday morning, otherwise you will not be in a position to do so. —

Sadlier was applied to, to come down but he refused to go. —

6. May 1865.

Sir, I have the honor to report for your information that I have been informed, and I have reason to believe and do know — that there is at this present time several gill nets set in Burlington Bay. — If the department will go to the necessary expense of about $20, so as to enable me to hire a boat and a couple of stout fellows, I ~~think~~ will endeavour to find them. —

I am satisfied such a thing will meet the approbation of the Citizens of Hamilton as I hope it will ~~your dep~~ the department's

I have the Honor to be
&
John Hickey
F. O.

The Hon
The Com
of Crown Lands
Quebec

Sir,

6. May 1865. —

I have the Honor to report, that on ~~last~~ ~~Friday~~ yesterday afternoon — before I left Niagara — there were three Quebec nets engaged fishing on James Cantwells fishing ground at Niagara — thus

thus!

He complained before the Resident Magistrate there, who issued Summonses to the offenders to appear before him on Monday next at 10 o'clock A.M. — I will have to attend and prosse the Case, — perhaps it may be a difficult task to do, this ~~in any hands but mine~~ —

I will report to you the result of this Case, when adjudicated upon by the Magistrate there. —

Cantwell was obliged to report to this or give up the place to these robbers. —

I Have the Honor &c

John Ward

P. O.

The Hon
The Com
of Crown Lands
Quebec

Sir.

6. May 1865.

I have to acknowledge the receipt of Several blank Leases for the fishermen at Queenston and Niagara - to be delivered when filled up, and I receive the rent for the year - 1865. -

Col: Coffin, assures me he never had the ~~not~~ never gave ~~any~~ Leases to the fishermen - ~~and~~ this has tended in a ~~great~~ measure to imply a doubt ~~in~~ the minds of those men, ~~and that~~ Causes much ~~of the~~ Confusion & difficulties which I have now to encounter, for at Niagara they claim protection ~~which~~ from intruders and trespassers, which I recommend ~~the~~ to the Consideration of the Govt. dept. & to be may be promptly afforded to them. -

What right say they, have we to pay rent, while more than twelve thousand yards of file nets are fished within our fishery limits for which we have paid rent, and are willing to Continue paying rent, only give us the necessary protection - the claim keep away these intruders ~~and trespassers~~ - and here is ~~your~~ our money - I may say, the fish is abundant, and general satisfaction would be ~~established~~ reign there, only give this matter your consideration - ~~and~~ advise me the Course to pursue so as to give the fishermen legally established there, that protection they so much stand in need to maintain their rights -

I expect to have no difficulty ~~Whatever~~ at Queenston -

I have the Honor &c
Robert Key

Hon
The Com
of Crown Lands
Toronto

---

it is by men from Brulington Beach, and others in this neighbourhood who never pay anything, and

Sir:

6. May 1865.

I have the honor to acknowledge the receipt of your letter of the 27th. ultimo.

1st. Containing Mr James, Grantwell, lease.

2d. Regarding the lease signed by and through Col Coffin & Capt Boyntes.

3d. Respecting application of Alex Keith.

I have also to acknowledge the receipt of two letters dated 28th. ultimo,

1st. Relative to obtaining description, from the late Captain Boyntes, lot of Certain fishing stations.

2d. Containing general instructions and bearing the same date, which I will strictly attend to, as I hope I do, to all other instructions heretofore received for my guidance.

I Have &c
John W Leary
F. O.

The Hon ble
The Com.
Quebec

Received eight dollars from Mr James Cahill this 8th. day of May, being 1/2 of the fines imposed on Mortimer Cook and Nehiler Van-Liekle.

John W Leary
F. O.

Monday — 8 May 1865.

proceeded to Hamilton, thence by Train to St Catherines — and from thence to old Niagara to attend the Case brought by James Cantwell against Bonynfold, Wm. McPhorne and John Laffe, see my report herewith &c. &c —

Went out at ½ 9 Am — came home at 12 OC

9 Miles . Horses absent

Charges off 1. for Horse & buggy.

| | | |
|---|---|---|
| 17 | R.R. fare | " 1 — " " |
| | Stage to N. | " 1. " |
| | dinner | — 50 ¢ |
| | Horse & Buggy | 1. |
| | Bed & breakf | 1 at St Catherines |
| | Train up — | 1. |

$ 6.50 ¢
Hom & buggy 1.00 Home
7.50

| | ¢ |
|---|---|
| Received from James Cantwell, — | 30 |
| " John Bolton | 20 |
| " Henry Sheppard — | 40 |
| | $90. |

delivered them their Leases — gave Thomas Elliott his Lease and took his note for $26 — payable in one month. —

My reason for doing so was Mr Thos Elliott has been ill for some time — and I did not wish to be so strict as perhaps I should be in consequence. —

I W Ross

Sir,

9th May 1865.-

I have the honor to report for your information as I have already alluded to in my letter to you of the 3rd inst. that James Cantwell, fisherman at Niagara, summoned up John Taaffe, Benjn Folds and Saml Gayne, for "fishing within the limits covered by his lease from the Crown, without his written permission to do so". - they were each fined ten dollars and costs or thirty days in gaol - they paid the fine and costs to the Magistrate - but afterwards appealed to the Quarter Sessions, which will be held at Niagara on the 13th of June next, and which I will then have to attend - Mr Saml B. Freeman of Hamilton was employed by the defendants, who admitted the offence on the part of his (3) clients, and read over the opinion given by him on the 26th of December 1862 to my predecessor, except the last clause which says - "I would not entertain any serious doubt as to the correctness of "this opinion, if I did not know that the Executive Council at the time the Game Laws was passed was composed of "men eminent in the Legal profession". - "That fact "however, leads me to distrust the correctness of "the Conclusion I have come to".

I discovered this omission, and having got hold of the document, pointed out to Mr R. R. Waddell Editor, who was employed by Cantwell, and it completely knocked the rest of this rigmarole opinion into a cocked hat. - -

Mr Boomer, the worthy Police magistrate of York "is an admirable man" - presided with Mr Kerby, of Niagara, who took up the Case, and I must give those gentlemen due Credit for the very independent stand they took in upholding your Lease. - Mr Freeman actually asked me if I was not experimenting by bringing up this Case - my reply was! I did not bring up the Case at all - I was here to prove the Lease, and offer the defence my protection and aid. - - -

See Over 2 Page

Sir,

10. May 1865.

I have the honor to enclose you an application from Mr Robert Stevenson of the township of Niagara, to rent from the Dep't from East side of the ~~stony beach of L O~~ four mile run pond where Mr Jas Cantwell's fishery terminates along the beach of L O westward across the front of his farm of 400 acres, say a distance of 2½ miles and upwards. – While under ordinary circumstances I would be happy to see Mr Stevenson's wishes complied with, still under the ~~circumstances~~ existing fact, as they are, I cannot for the life of me, recommend such an application to be complied with, under the pain of a remonstrance made by the fishermen who say that to comply with Mr Stevenson's application would be to grant a monopoly. –

The fishery ~~is~~ applied for is represented to me as the best gill net fishery on Lake Ontario, and as I believe it is the intention of the Doctor to sublet in case he becomes the Lessee, I thought the best course to pursue; would be, to put it up and sell to the highest bidder; or let each person pay an annual sum for the privilege of fishing each set of gill nets. –

This matter was publicly discussed before me at Niagara by the Doctor & some three or four fishermen on monday last, when I refrained from giving an opinion. ~~to the~~

I may however state that the application of Alex: Keith, for a small fishery ground, see your repl 27 apr was made as the Doctor now states for his benefit; ~~and at his instance~~. I believe $100. a year can be easily obtained for this fishing lot, and I have therefore much pleasure in submitting the matter for your consideration & adjudication. –

I Have the Honor &c

J. W. Keefer

Hon: The Com
of Crown Lands
Quebec

Sir, 10. May 1865.

I have the honor to state for your information that Joseph Perry, Thos Armstrong, Dan McGovern, Benjn Fold, Benj Joyce &c &c have applied to me respecting leases on B. B. Do you intend to lease this Year in this locality, if so send me up blank leases — and as the fishery is much reduced by small mesh net fishing — "carried on heretofore" please leave the amount to myself to the fish, and I will do the dept & the fishermen justice — Your immediate attention is respectfully called to this matter. —

I Have the Honor &c

John W Kerr
D. O

The Hon Com: of
Crown Lands
Quebec

Fishery department
Hamilton, 12. May 1865.

Sir,

I received a letter on yesterday containing a sum of three dollars — In reference to the book of the late Capt Bayter, I find fishing lots No 3 and No 18. was occupied by you last year, and as these lots are referred to in a Memorandum enclosed with the money, I write you to say, that I will be in Queenston next week —

Yrs respectfully
John W Kerr
D. O

Mr David Dror
Queenston

Sir.

12. May 1865.

I have the honor to state for your information that I have delivered Licenses for fishing, to the undermentioned persons, viz:

1. James Cantwell, who paid me $30.
2. Henry Sheppard, " " " " 40.
3. John Bolton, " " " 20

Total. -- $90 dollars.

Of this amount I deposited $79, in the Montreal Bank here, this day, to the credit of the Hon^ble The Commissioner of Crown Lands - "Fishery Branch", as per duplicate receipt, and draft herewith, on the Manager of the Montreal Bank at Quebec for the same; and when I am able to procure Bills, I will pay in and deposit the balance eleven dollars.

I have much pleasure in enclosing you duplicate leases, issued to Henry Sheppard and John Bolton, on the 8th instant, by me when I attended the late trial at Niagara. -

I Have the Honor &c
John W Kerr
P.O.

The Hon
Com: of Crown Lands.
Quebec

X. The decision of those worthy Magistrates in this case has had already a good effect, for immediately after the trial, application was made to me to lease fishing grounds, on Burlington Beach and at Niagara also, which I will make the subject of another communication to you. -

I Have the Honor &c
J W Kerr
P.O.

The Hon
Commissioner of
Crown Lands
Quebec

Sir, 12 May 1865.

I have to acknowledge the receipt of your letter of the 10th inst, I will be in Queenston, some day next week, and will then see you on the business referred to, in your letter until then — Yrs respectfully.

Mr Joseph Lubrick, John Weber
Queenston. J. O

---

Sir, 12. May 1865

I have to acknowledge the receipt of nine dollars, per your letter of the 11th inst. I find on reference to last year's acts that you paid Captn Castes, eleven dollars, I will be in Queenston, some day next week, to receive the balance, and give you, your leave for year 1865.

Yr. respectfully
John Weber
J. O

Mr John Wadsworth,
Queenston.

---

Sunday. 14 May 1865.

Proceeded to B. Beach, in consequence of hearing that nets were being hauled there on the Sabbath day, did not see anything of the kind — went out at 11. am. came in at 4. p.m — Miles -16 — charge 2,

9 May 1865.

Sir, I have the honor to acknowledge the receipt of your letter of the 12. inst. regarding the appointment of Messrs Cahill & Van Wagner as Magistrates for the County of Lincoln, which I deem satisfactory.

I Have the Honor &c
John Wilkes
J. O.

The Hon Commissioner,
&c. &c. &c.

19. May 1865.

Sir, I have the honor to acknowledge the receipt of your letter of the 12. inst. in which you refer to 5 Shanties erected on the sand bar at 4 mile run, Township of Niagara. —

It is not now necessary to proceed against the then occupants and trespassers, as reported to you on the 3rd inst. —

John Taaffe, Bennifolds and Dan McGrymme after their conviction at Niagara on the 6th instant before Messrs Ross & Kelly, left taking home the material used in erecting the Shanties to Fruitland Beach. —

I waited on Mr Freeman today, and after talking the matter over we came to the conclusion, that perhaps this will prove satisfactory, without having recourse to any further proceedings against the said persons.

I Have the honor
&c &c &c
John Wilkes
J. O.

The Hon^ble
The Commissioner,
&c. &c. &c.

Sir,

19. May 1865.

With reference to your letter to me of the 12th inst. John Laaffe, is the name of the person who fished a Seine at Niagara, with a small Centre mesh therein, contrary to Section 26 Fishery Act. —

He was fined at Niagara recently, and appealed: - provided your approval of my doing so when I get him down there again in June next "to prosecute his appeal" - attending the Quarter Sessions, I mean to summons him up for the offence. - Laaffe is a refractory fisherman, and resident at B. Beach, in the County of Wentworth. —

I Have the Honor &c
John W. Kerr.
J. O.

The Hon Commissioner
&c. &c. &c.

Sir,

19. May 1865.

I have the Honor to acknowledge the receipt of cheque No: 748, for $50, being salary to the 30th of June next, and for which you will please find herewith receipts in duplicate. —

I have also to acknowledge the receipt of cheque No: 749, for disbursements to quarter ended 31. of March last amounting to $16 3, and for which please accept receipts in duplicate accompanied with my best thanks. —

I Have the Honor &c
John W. Kerr
J. O.

The Honble Commissioner
&c. &c. &c.

19. May 1865

Sir

I have the honor to receive your letter of the 12 inst. in reply to mine of the 28th ult., for the better enforcing the game laws, which I have noted and will carry out as opportunity offers without incurring any special or considerable expense. —

I Have the Honor &c.

The Hon Commr.
&c. &c.

John W. Kerr
J. C.

Sir

20. May 1865.

With reference to my letter to you of the 12 inst. remitting cheque for $79, dollars; I have now the honor to enclose you eleven dollars as therein alluded to, per duplicate receipt and draft for the amount herewith.

I Have the Honor &c.

The Hon the Commissioner,
&c. &c.

John W. Kerr
J. C.

Thursday 18. May 1865. —

Proceeded to B. B. and made known to Mr Baldry, the pleasure of the Hon the Commissioner of Crown Lands, in permitting me to return net — She was much pleased at the prospect of getting back again — went out at 2. p.m. came in 9½ p.m. — Miles 20 — charge —

19

Sir,

20. May 1865.

Will you be pleased to send me some foolscap papers, envelopes, and allow me to purchase a book, in which I can keep my account with the department, as also with the Lessees of fisheries, from whom I have or may hereafter collect rents. Your compliance will much oblige

I Have the Honor &c.
John W Kerr
P. O.

The Hon
The Commissioner
of Crown Lands.

Sir,

20. May 1865,

In reply to your letter of the 12, inst. referring to Mrs Baldry's net signed by me, as reported on the 6th inst. &c. &c. &c.

I have the honor to state for your information that I this day in compliance with your instruction delivered her up the said net and herewith enclose receipt for same. —

I have further to state ~~that~~ for your information, that Mrs Baldry is Widow of the late Francis Baldry.

I Have the Honor &c.
John W Kerr
P. O.

The Hon^ble
The Commissioner
of Crown Lands. —
Quebec

Saturday — 20. May 1865.
Proceeded to Hamilton, and delivered up to Mrs Joann Baldry, the net signed by me on the 1st day of May inst. done so by order of the Hon: Commr of Crown Lands — went out at 9. a.m came in at 4. p.m — Mile 8. charge for Horse & Cart $1.50. Self $2,

Monday, 22 & 23rd, May 1865 –

proceeded to Hamilton thence by the Suspension Br. on the G. W. Railway, thence to Queenston, examined the so called Fishery there, received $2. from John Wadsworth balance of rent for lots 14 and 14, – let No 1. to John Gable for $6, and No 3 & 16, to David Astor for $4, and No 14 & 14 to John Wadsworth for $11 –

From thence to Niagara – and on to the 4, mile run, – I found that a much smaller net in the mesh is fished at Queenston – than is laid down by the Law, – and also at Niagara the same thing is practiced – but these nets are used 2/ for herring & pickerel, and at a time when White are not to be had nor taken –

Went out at 4½ a.m. on 22d May and came in at 6. p.m. – 23 – about 120 miles travelled – Came in at 6. p.m. – 23 –

| | |
|---|---|
| fare to St. Catharines | 1.40 |
| " – Niagara & dinner | 25 |
| " – at do, | .75 |
| " – " do | 10 |
| " fare to St Catharines | 1.50 |
| St. Cath to Ham | 1.00 |
| Home | 1.00 |
| | $8.00 |

29. May 1865.

Sir. I have the honor to enclose you a cheque on Bank of Montreal for $14 dollars - together with duplicate leases of John Wadsworth and David Dettor of Queenston Co. of Lincoln - for same -

By these Leases No. 1, 5, and 6, you will find the fishery limits - they have rented -

1, John Wadsworth, is No: 14 & 17 - amt $11
2, David Dettor " " 3 & 18 - " 4

But David Dettor still owes me a sum of $1 - and on receiving same - I will deposit in the Bank - with other monies I am in daily expectation of receiving for the Fishery Branch - Department of Crown Lands -

I Have the Honor

The Hon^ble
Commissioner,
C. W. L.

John Ker
J. O.

27. May 1865

Sir I have the honor to refer you to my letter of the 10th inst. with reference to the application of the Thos Armstrong &c. &c, for Lease for B. B. Lake Ontario for year 1865. Please advise me without delay.

I Have the Honor

The Hon^ble
The Commission
C. Lands
Quebec

J. Ker
J. O.

Sir,

27, May 1865,

I have the honor to report for your information that I found on my inspection at Queenston and Niagara, County of Lincoln — on the 22 and 23 inst. that Nets are used by fishermen for catching pickerel and herring, inch and a quarter mesh square, and it also appears that those fishermen have been using the same for years past, and they have now solicited my permission ~~for me~~ to be allowed to continue the same —

In reply I informed the persons making this application that I would submit the matter for your consideration and adjudication, and in doing so I have the honor to state that I do not consider it injurious to either Salmon trout, or White-fish — fishing their being permitted to use said inch and a quarter mesh nets, as at the time — they are so engaged — fishing with said description nets White fish and Salmon trout are not to be found in the neighbourhood of the Niagara River — at Niagara. — —

The nets alluded to were not in operation when I visited Niagara and Queenston, on the 22d & 23rd inst, as the time for using same has not yet arrived — Your decision in this case is respectfully solicited, without delay. —

I Have the Honor
&c &c
John W. Kerr
C. O.

The Hon^ble
The Commissioner
Quebec

Sir.

27. May 1865. —

I have the honor to report for your information that a Meeting was this day held by the fishermen of B. Beach — in Mr R. R. Maddell's Office — Hamilton — at which I attended at their request. —

The intended fishery Act — was discussed at some length — which I purpose laying before you shortly — but what most immediately concerns those men just at this present time is the herring fishing. —

The fishermen at B. Beach request permission to be allowed thus to fish for herring in Lake Ontario — with a net not to exceed 250 Yards in length — mesh not less than 1" square or 2" extension — one end of this net to be fastened on shore, and set in a circle thus! ——

This not fishing, like that of a similar description I have reported upon this day as used at Niagara, might be permitted provided those men will confine themselves to the Beach of Lake Ontario — as the White fish never of their own free Will and accord come within the distance of the shore they seek permission to use this full length herring net. —

This matter is also respectfully submitted for your consideration and adjudication, and your decision is solicited without delay. —

I Have the Honor &c

John W Kerr

J. P.

The Hon^ble

The Commissioner

&c. &c. &c.

Sir

30. May 1865.-

I have the honor to submit for your decision, two applications from Mess^rs Sam: Fish and Benj^n Folds both resident at Burlington Beach.-

The fishery applied for is the same heretofore occupied by a man named Crooks, and more recently by John Martin, since deceased. - - -

After the Martin's death, his widow disposed of the right she held thereon to a man named Johnson living at Burlington, and about 6 months past, he sold out his nets and other tackle to Benjn Folds - and he has been adding to his stock "extensively" - until his outlay amounts to about $100. - believing that, as he is in possession by your leave, he would most likely be accepted as lessee of the fishery alluded to, and on which his boat, nets &c. are at present to be found. - his house being on the premises.-

Mr Sam: Fish has very recently rented what is known as the B. Beach pleasure grounds, from Mr Peter Grant the Brewer at Hamilton - he has no nets and I presume just desires to make a speculation out of this fishery. - Mr Grant it appears had a claim against the late John Martin - and his Widow has given the place to him for a time or term to pay up the indebtedness, so I have been told. - The fishery being for a property is distinct and separate and independent of the Pleasure grounds -

I would therefore respectfully recommend that provided it meets your approval Benjn Folds be leased the said fishery which will include the time he has had it for the sum of $20. - for year 1865. - he is an old resident of B. Beach.

I have the Honor

Hon: Commissioner.

Schuyler Kerr
J. P.

I have blank leases still in my possession not have been able to receive Mr Kagan and Dreamed to

3rd June 1865.

Sir — I have the honor to acknowledge the receipt of your ~~the~~ Spy glass - and a quantity of Stationery, as also your permission to provide myself with a cheap and half bound book to keep my acct with the department and the Leases of the fisheries under my Supervision - and for which I have the honor to return you my sincere thanks. —

I Have the Honor to be
Sir
Your Obt Servt
John W Kew
J. P.

x letter of the 30th ult.

The Hon:
The Com of
Crown Lands
Quebec

3. June 1865. —

Sir — I have the honor to acknowledge the receipt of your letter of the 29. ult. directing me to proceed agt John Laaffe, of Niagara, for a breach of ~~Section 41~~ the fishery Act. —

I have forwarded my complaint to Wm Kerby Esq. J. P. Niagara, and have asked for Summonses. —

I have reason to believe that the Jews agt John Laaffe, Dan McGwynne and Benjn Golds appealed agt ~~of the 8 May last~~ by them at Niagara, will not be prosecuted at the 2nd S. of Niagara to be held on the 13th inst, as reported to you on the 9th of May last. —

However I to be prepared for any emergency that may arise I obtained from the D. Clerk of the Peace then - a copy of the Magistrates Conviction "all wrong" —

and have had it, drawn up, correctly amended and so fixed as to defeat the appellants and uphold the convictions. —

I Have the Honor to be

Sir

Your Obt Servt

John W Ross

J. C.

The Hon
The Commissioner
of Crown Lands
Quebec

---

Sir

3 June 1865.

With reference to your letter of the 12 May last, in reply to mine of the 3rd of May — the following sentence occurs which I desire to set your right about — thus! — "the beach or sand "bar opposite "four mile run" — and upon which five "shanties are erected, is included in the limits of "Crown Lands described as licensed to Mr James "Cantwell" — This, on reference to Mr Cantwell's lease you will find is not correct — as his lease covers no part of the sand bar opposite "4 mile run" — he has his shanty there, and his Rods, nets & boats, Rods are occasionally on the sand bar — but his lease does not include any part of the sand bar. — a pond of water between the sand bar and the farm land containing about 30 Acres and the creek ("four mile run") runs into Lake Ontario out of this pond at the extreme east end of the bar, and close to the high bank of the farm × — the Bank at this point is about 12 ft high, —

I Have the Honor &c

John W Ross

J. C.

× to which the western limits of Cantwells licensed extend

Hon Commissioner
of Crown Lands
Quebec

Sir,

6. of June 1865,

I have the honor to acknowledge the receipt of yours of the 2nd inst. &c. together with blank Leases for Bonaventure Beach, "23 in number" also tracing of Map showing the different fishing stations there as laid down.

I am greatly obliged to you for the valuable information this Map conveys to me.

I Have the Honor to be
Sir,
Your Obt. Servt.
John W Kerr
J. P.

The Honble
The Commissioner
of Crown Lands
Quebec

Monday 5 June 1865
Proceeded to Hamilton P. O., thence to B. Beach – notified persons there respecting the receipts of fishing leases – went out at 9. am came in at 8. P. m, Miles 22,

Wednesday. 7. June 1865,
Proceeded to B. B. and posted notices calling the fishermen together on Saturday next at Mr R. R. Waddell to receive and pay leases for year 1865. found Jas Waddell hauling a shoale net for herring – went out at 8. am came in 4½. P. m. Miles 26 – charge $2,

Thursday – 8. June 1865,

Proceeded to Hamilton thence to Toronto & train took a boat and went over to the Island – the particulars in my report of 9. instant,

24 ft. went out at 6½. a.m. came home at 12 p.m. Miles about 88 –

| | | $ |
|---|---|---|
| Charges | train to Toronto | 1. |
| | train from to Ham.n | 1. |
| | Horse & buggy to & from Ham.n home | 2. |
| | Boat hire to the Island | 1. |
| | Dinner. | –.60 |
| | | 5.60 |

Sir.

9. June 1865.

I have the honor to report for your information that there is a valuable fishery east of the Harbour Toronto at a place called Slabtown which can be easily rented. – –

Will you be pleased to communicate the same to the Cameron in whose jurisdiction the same is situated. –

I Have the Honor &c. &c

John W Kerr
P.O.

The Hon.ble
The Commissioner
of Crown Lands.

Sir:

9. of June 1865.

I have the honor to report for your information, that I proceeded to Toronto, on yesterday morning, and made my inspection of the Harbour and the Island in front of the City situated in Lake Ontario, so far and as fishing is concerned. — Mr David Ward who lives on the island, Mr Geo: Drennon, the Light House Keeper on the Island, and Mr Park, Gray, tavern Keeper, who lives in the City of Toronto, are the Legitimate fishermen in possession there, and they will be prepared to pay me, these rent of $50, in a few days, and take out their Lease, for the current year. — Mr Ward with whom I conversed, informed me that they recently had a communication from you and the purport of the same. — It appears that two men named respectively Allan who resides in Toronto, and Conlan, the Policeman, who resides on the Island, are intruders and trespassers on the fishery there. — I promised them (Ward &c. &c.) every protection agt intruders and trespassers, that the Fishery laws enable me, to afford them. —

The limits occupied by Mr D. Ward & Company are extensive, being from the Humber Bar, to the Eastern limit of the City of Toronto but pending the passage of the amended fishery Act, I would respectfully recommend that no change be made. —

I will thank you to let me know immediately, if you have any instructions for me, regarding this case — and

as I intend walking from Pt. Credit, where I left off yesterday, to B. Bay, very soon will feel much indebted to you by sending me up a tracing of the fishing stations from the Credit to B. Beach. — Your immediate compliance will oblige —

I Have the Honor &c.

Hon. Commissioner
&. &. &.

John Kerr
J. O.

P.S. — White fish have just made their appearance in this fishing — JWK

Sir, 9. June 1865,

I have the honor to apply for 50 or 100 more Copies of the Game Laws — same as I received heretofore — from you. X

I have the Honor to be
Sir
your Obt. Servt.
John Kerr
J. O.

Hon
Commissioner,
&. &. &.

X Will you be pleased to send me a dozen copies of the intended amended fishing Act. —

Sir:

10. June 1865.

I have to acknowledge the receipt of your letter of the 9th inst. but as the Quarter Sessions commence here on tuesday next, and as I have appeals to attend to there, I will not be able to go down on tuesday. – But if it will meet your convenience, and that of your partners, I will be most happy to meet you at the place designated on thursday next, at the hour mentioned 12. o'clk noon and for the purpose specified. —

I am dear Sir
Yrs Respectfully
John W Kerr
J. P.

Mr Geo: Durnon
The Light House
Toronto

Friday 9. June 1865,
proceeded to Hamilton, thence to the B. Beach, found Benjn Joice fishing with a Seine in Burlington Bay, his 2 Sons were with him – he completed his Haul – went out at 6. o'clock p.m. came in at 1 a.m. – miles about 30, for particulars see my report of 10 inst. Charge # 2,

Saturday 10. June 1865,
proceeded to Hamilton engaged all day giving leases to fishermen at the B. Beach – Went out at 8. a.m. came in at 8. p.m. Miles 6 – Hours " Charge # 2,

Sir

# Department of Crown Lands,

Fisheries Branch
Quebec 2d June 1875

Sir,

Your letters of 27th instant respecting meshes of nets are received. The prohibition by section 26 is against all nets. It has not, however, been customary for the Department to require fishery officers strictly to enforce this clause as against parties carrying on the herring fishery. But such forbearance is ill-requited by the same fishermen towards whom lenience is shown giving trouble and derising opposition where officers are bound by instructions to carry out the fishery laws. If forbearance is expected

J. W. Kerr Esq.
Hamilton

it

it should be reciprocal. Towards those who are otherwise refractory and troublesome there should be no hesitation in applying to their operations the strict law, and holding evidence sufficient at any time to ensure convictions as a guarantee for observing the laws and regulations and conforming to authorities charged with administering them.

You will therefore be prepared to prove at any time when directed to proceed such specific use of illegally meshed nets as will enable the Department to deal with the cases as circumstances may demand; but it is not necessary altogether to stop the fishing for

Went out at 8. a.m. came in at 8. p.m.
Miles 6 — Hours " Charge # 2,

for herrings at places where small meshed nets cannot destroy fry and undersized fishes.

I am,

Sir,

Your obt. servant

for the Commissioner of Crownlands

2nd of June 1865.

Relating to the Mefhes of Nets! permission to fish for herrings. —

Answer to letter of 27 May 1865.

See letter of 12th of Augt. 1865.

Omitted out at 8. P.M. Arr. came in at 8. P.M.
Mills & Hanes
change of W.

Sir,

10. June 1865.

I have the honor to acknowledge the receipt of your letter of the 2nd inst. in which you ask the question:— "Is there a Beach frontage along the extent described by you as 2½ miles east of "four mile pond."— —

In reply I have the honor to report that the 2½ miles alluded to is from the east side of the four mile pond westwards,—and not "2½ miles east of four mile pond."— And in my letter of the 3rd instant, you have I think the matter more clearly defined. —

I have not measured the sand bar of Beach frontage between Lake Ontario and four mile pond; but I consider that it cannot be less than twenty chains in extent, I will be down there shortly, and will then make a sketch of the land giving the measurements for the information of the department. —

The Case of the Appellant to Niagara Quarter Sessions, reported by me today, as abandoned, settles the question of the Beach frontage Niagara. —

I Have the Honor &c

John W Kerr

P.O.

The Hon^ble

Commissioner

Crown Lands

Quebec

Sir,

10. June 1865.

I have the honor to report for your information that on this day Benjn. Folds, Wm. McIlwain and John Laaffe reported by me, as paroled on the 8th day of May last, "for unlawfully "fishing upon grounds leased by James Cantwell "from the Government" — served me with a Notice withdrawing their appeal, and paid in their fines, ten dollars each. —

I expect very shortly to report ~~to you~~ favourably to you of the Ds. Beach fishermen. —

I Have the Honor &c, &c,

John W. Fear,

J. P.

The Honble. Com: of C: Lands

Quebec

Sir,

10. June 1865.

I have the honor to report for your information, that about the hour of 11. o'clock, pm, on last night, I found Benjn. Joice, a legitimate fisherman, resident on Burlington Beach, hauling a seine in Burlington Bay — I remained ~~there~~ until he completed his haul, when I found that the fish he had taken consisted principally of bass, "a few?" a large quantity of suckers — two eels, a few pikes, a few cat fish, and a few fish called sheep heads — and some sun fish —

It is necessary that a small fine be imposed upon this man, but before I would proceed, I considered it my duty to report to you those particulars —

I Have the Honor &c

John W. Fear

J. P.

The Hon Commissioner C. Lands

Quebec

Sir,

10. June 1865.

I have the honor to acknowledge the receipt of your letter of the 8. inst. in reply to mine of the 30, ultto, in which you say: "The stations "applied for by Sam fish, and Benjn Folds may "be licensed to them as suggested in your letter "of 30th ultimo".

By reference to my letter on this subject, you will find that there is only one fishing station, which is designated on the Map I received from the department as No: 12. —

For the reasons already set forth by me, I still hold on to them, and have decided to give the lot to Benjn Folds — but as this has given great ~~offence~~ dissatisfaction to Mr Sam Fish I have for the present delayed carrying out my intention altho' at the same Folds has given me today twenty dollars. —

Mr fish left me this afternoon to get a lawyer to give you his grievance on this subject, which I hope you will be pleased to let me have to report upon

I Have the Honor &c

John Jones

J. O.

The Hon
Min:
of Crown Lands
Quebec

Sir,

10. June 1865,

In your letter to me of the 12. ~~inst.~~ of May last, the last clause; the following sentence occurs Viz:, "Mrs Baldey is not a lessee of any fishery "and has never paid rent."

Mrs Baldey on applying to me for License a few days ago; placed in my hands, the enclosed lease made to her by the late Supt. of fisheries for Upper Canada, which I now forward for your information; and while it appears she took out this lease for her own individual self; she had previous to doing so obtained from James Waddell, a portion of the money, with the understanding, that he was still to occupy lot No: 19, as he was and is, and has been always heretofore in possession of said fishing station No: 19, Burlington Beach on Lake Ontario. —

I have leased lot No: 14, to James Waddell for the current year, for a sum of $8, and because I have done so, Mrs Baldey hesitates just now to take out her lease; in a few days I will wheel her into line. I Have the Honor &c. &c.

John Wilkes,
G. O.

The Hon Com:
of Crown Lands,
Quebec

Sir,

10. June 1865.

When in your good old town of Niagara on the 23rd of last month, Mr Lowry was pleased to allow me to take a copy of the conviction drawn up by you and returned by Mr John Taaffe &c. &c. On a close examination, and by comparing it with the law, I found some slight things, that might prove fatal, if Taaffe, Folds and McGuire, were to prosecute their appeals at the next quarter Sessions - Niagara -

Taking it for granted, that it was the intention of those persons to do so, I amended your conviction by substituting what I considered the law would uphold you in. - And I had also received instructions from the Hon: the Commissioner of Crown Lands to call upon Mr McDonald of St. Catherines to prosecute your conviction, if those persons from Burlington Beach, at the Niagara Quarter Sessions. -

I may however mention to you now, that my belief was from the beginning, that all the appellants would pay their fines, and in this I have been right, for on this day, they have paid ten dollars each, and abandoned the case; You will be pleased to govern yourself accordingly; I will be in Niagara shortly, and will see you on this matter &c, I have written James Cantwell on the subject. -

And in conclusion I have to thank you for the impartial manner in which you discharged your duty as a Magistrate in this case

I Have the Honor &c

Wm Kirby Esqr
J. P.
Niagara

John W Kerr
J. P.

High
The Comr of Crown Lands
Quebec

Sir

12. June 1865.-

In compliance with your instructions I posted the following Notice as below on the Burlington Beach on the 6th inst. and yesterday on Saturday the fishermen came very freely forward to take out their Licenses.- Money appears to be scarce commodity with some of them at present, I have however given some of them a few weeks to pay, and in the mean time I have given them their Leases allowed them to fish and have taken their note payable to myself for the amount,- which I hope will meet ~~the~~ your approval.-

I apprehend not the slightest difficulty with any person except it may be with Mr John Dynes who occupies two lots ~~No~~ numbered No: 10. containing each 1606 ft. I consider as his fishery is represented as the best on Bd. Beach, that he ought to pay $20 - he has hesitated to do so - while I am happy to say there is no hesitation to pay with any of the other fishermen, - who say all of them that John Dynes should pay $20 for his two fishing stations No: 10 - containing 3212 ft. frontage on the Bd. Beach of Lake Ontario.

Will you be pleased to say if you consider $20. a fair price for him to pay for the current year, or will you allow me to make ~~I Have the Honor &c~~ ~~The Hon~~ a formal demand for ~~John Ukers~~ ~~The Com~~: his bank rent, which will ~~of Crown Lands~~ soon bring him to Quebec his senses.-

I Have the Honor

John Ukers

J. C.

Monday, 12 June 1865,

Proceeded to Hamilton, and consulted with Mr Leahile J. P. regarding the prosecution for infringing the fishery laws, was speaking to Sadlier and John Gaffe — Gaffe withdrew from the contest, Fred^k Corey the same — from thence to Burlington Beach rented to Jos Perry lot No: 5, and 6, for fourteen dollars, received his Note for the same — inspected Joe Perrys (Centre) Net, all right went out at 9, a'm, came in at 11, p. m. Miles 26 — charge # 2,

26

Tuesday, 13 June 1865,

Proceeded to Hamilton, attended the Quarter Sessions — went out at 9, a'm came in at 7, p. m. Miles 8 — charge # 2,

27

Wednesday 14th,

Proceeded to Hamilton, thence to Burlington, delivered to Fred^k Corey his lease for Nos 5 and 6 for this his rent of 10 — Corey took me in the presence of George Crofstwaite — that he knew nothing about Sadlier or brother nor he that he stole the Snarte it belonged to Robert Stokes and that he had to pay him 3 dollars for it — Jane Sadlier & Patrick then came — went out at 9, a'm came in at 9, p. m. Miles 26 — transacted other business — Came thro Beaulieu Mr Sherlowe [illegible] Main Melpins Net —

28

Thursday 15 June 1865.

Proceeded to Toronto and received fishing licenses from David Ward, Geo Durnion & Pat Gray — went out at 6 P.M. came in at 8 P.M. Made about $4 — received $50 from them for the licenses —

Sir

16 June 1865.

I have the honor to enclose you, a cheque on the Bank of Montreal for the sum of Seventy dollars, which sum I deposited in the Bank here this day to the credit of the "Fishery Branch" of the department of Crown Lands —

This amount is for licenses issued by me to the undersigned for the current year of 1865, as follows:

Mefs

| | | |
|---|---|---|
| 1, | David Ward, George Durnon, Pat.k Gray. — | $50.00¢ |
| 2. | Daniel McGuin | " 10.00 |
| 3. | Fred.k Loney. — | 10.00 |
| | | $70.00¢ |

Will you be pleased to find the duplicate leases for the same herewith.

I Have the Honor to be

Sir

Your Ob.t Servant,

John W Kerr.

F.O.

The Hon:

The Commissioner

of Crown Lands

Quebec

16, June 1865.

Sir, I have the honor to state for your information and you will please find on reference to my letter to you of the 14, of January last, "3rd paragraph" thus: "On yesterday I "again proceeded to Burlington Bay, adjacent to the Beach, "and demolished five other spearing boxes placed there "on the ice for a similar purpose"?

Duncan McGillivray, who represented himself as the owner of one of those fish houses summoned me before J. Wesley Hopkins Esqre J. P., at the time; and I was fined on the 20th of January last, but I appealed agst the Magistrate decision; the complainant has since left the country, and so this matter has terminated. —

In the Case of Wm Jas: Krell, a repeat similar to this; has also been the termination of my appeal agst the Magistrate conviction,

My object in alluding to those cases just quoted; is in order to bring you to, two subsequent cases arising out of the breaking of the fish boxes near B. Beach as great attended to,

The enclosed summons No: 1, will show you, that I was arraigned again before J. Wesley Hopkins Esqre J. P., on the 29, of March last, "for that I did wilfully and unlawfully tear "to pieces and destroy a fishing house the property of Fred: Corey"?—

By the informations of Fred Corey (copy herewith sent you) as sworn before J. Wesley Hopkins Esqre J. P., on the 23 of March last; as also per the evidence given by Jacob Krell, Carson Fletcher, and Leg McGlagan there can be no doubt, but that I demolished the fish house, and that

the same was the property of Fred^c Corey. — I was fined $7.50¢ and you will please find a copy of my appeal against the Magt's decision herewith — No: 2.

On Saturday last, Fred^c Corey, abandoned the prosecution, and then it was, that I ascertained, that this fish house, which he and other witnesses have sworn to be his property; never was his property at all: was the property of Rob^t Styles at the time alluded to, and Corey himself told me on Wednesday last, in his own house, in the presence of Mr Geo: Crofs=thwaite — that Mr Hopkins the Magistrate was aware of this fact; at the time he made his information, and Corey further stated that he has to allow and pay Rob^t Styles $3. for the fish house. Rob^t Styles informed me himself on yesterday morning: that the box was his, and that Fred^c Corey intimated to him that he would settle and pay him $3 for the same. —

The information and evidence is herewith sent and is marked No: 3. —

I will now give you the other combination; and having done so, will ask you to give me your advice as to my further course of proceedings.

On Saturday, I was served by John Taaffe with the within notice marked A; and on that occasion, and since, John Taaffe informed me; that J. Healy Hopkins, Esq^re J.P., was made aware when he laid his information on the 23rd of March last; that the fish house in his case, was the property of Mr Robert Fletcher, Jersyman at the M.P.B. Canal —

John Taaffe's information and the evidence taken before J. Healy Hopkins

Copy of J. P. No: 4, is herewith sent. –

I was, as a matter of course fined $9, in this case, but I appealed against the Magistrate's decision: please refer to No: 5. sent herewith; and the summons No: 6, also sent for your information. – –

I may here state for your information that on my return from the trial on the 29. of March last, Robt Fletcher foreman, already alluded to "Who is in the employment of the Government" is son of Aaron Fletcher, bro-thereinlaw of John Laaffe, informed me in the presence of Sergeant McGlagan, that the fish house Laaffe had sworn to was his (Fletcher's) property. – And on learning this fact I proceeded to the residence of the Mr Fletcher at Stoney Creek on the 31 of March last, and made the copies of the informations, and warrants I already allude to as sent herewith. –

I have talked this matter over with Mr Cahill, at the time it happened and since, his opinion is, that the case ought to be brought up in the usual way before him; but before I advance another step; I deem it prudent and consider it my duty, to lay this lengthy matter before you for consideration; and instructions, as to the future course I should pursue in relation to the unprofitable conduct of the persons named in the written documents. –

I abstain from making comments, the facts are all before you. –

I hope you will pardon me for

for taking up your time at such length, and should you decide to instruct me to take further action, please return me the enclosed documents, as I have not kept any copies of them —

I Have the Honor &c,

John W Kerr
F. O.

The Hon Commissioner
of Crown Lands
Quebec

P. S — Mr Mac Meehan the Stipendiary Magte with Mr Cahill might be asked to investigate the case. Yrs Respectfully, J W Kerr

Saturday 17. June 1865.

Proceeded to Hamilton, thence to Burlington Beach delivered to Mrs Ann Sharben her License for current year 1865 - received $8. for the same — went out at 3. P. M came in at 12. M. N. Miles 26.— was in conversation with the Light House Keeper Capt John Brown, Hamilton and Mr (Major) Mayer McGile — Mr Joe Perry — & Aaron Fletcher & John Dynes James Waddell & Benjn Jolly. — Mrs Baldy told the Mayor & Capt Brown on that occasion that there were 25 men on the Beach who would shoot me for 25 ys each —

30

19. June 1865.

I have the honor to state for your information that the fishery which Mr John Stanlon wishes to lease this year for $ 10. is situated opposite the Township of Scarborough, — being east of the Toronto Harbour, it comes, it appears, under the jurisdiction of Mr Cameron F. O. of Cobourg. —

There is no difficulty in renting it for the current year. I had half a dozen offers made me independent of Mr Stanlons offer to you, — If let to him, he will speculate

on

on it, — The Mess^rs Ward, Durnan and Gray — & three or four others will take it, — but being without my jurisdiction I did not wish to close up the business of my colleague without letting you know this fact. — that you may instruct me if necessary to dispose of it. . . .

I Have the Honor &c

John W Kerr
N. O.

Hon Commissioner

Thursday - 22d

Proceeded to Hamilton thence to the Beach, heard that John Laaffe was setting gill nets in front of Aaron Fletchers ground which impeded his fishing was also informed that Laaffe had summoned Jacob Kiell before J. Wesley Hopkins for threatening went out at 11. a.m. came in at 2. p.m. Miles about 26 — fishing middling. —

Saturday 24 June 1865.

Proceeded to J. Wesly Hopkins Esq^re J. P. Burlington Beach — where John Laaffe had Jacob Kiell summoned up for threatening the case was dismissed — went out at 3. P.M. came in at 8. P.M. Miles 18 —

27. June 1865.

Proceeded to Hamilton and attended trial before James Cahill — brought by Jacob Kiell agt John Laaffe. for fishing gill nets in front of Aaron Fletcher's ground went out at 8. a.m came in 4 P.M. Miles 8 — the Case was dismissed — Fletcher did not wish to prosecute his townsman Laaffe

Sir!

24. June 1865.

I have the honor to enclose you herewith a cheque for forty two dollars which amount I have deposited in the Bank of Montreal here to the credit of the "Fishery Branch" of the department of Crown Lands.

The amount just referred to, is for Licenses issued by me to the undersigned for the current year of 1865, as follows: Viz:

| | | |
|---|---|---|
| 1, | Benjn Foulds for that part of the year 1864, which he held the fishery, and all of the year 1865. | $20.00. |
| 2, | Benjn Joice 1865, | " 8.00. |
| 3, | Mrs Ann Sherbenal 1865. | " 8.00. |
| 4, | Joseph Gable 1865 | " 6.00 |
| | Total | $42.00 |

Please find the duplicate leases herewith. —

In issuing the leases to the fishermen at B. Beach, and to Mr Thos Elliott at Niagara I have been obliged to take Notes of hand "at short dates" for the amount, however the money will be forthcoming at the proper time. —

I experience some little inconvenience as the money I receive is most generally American Silver "at par". so far I have been able to convert it into Bankable money so that the department has lost nothing by dis-count

I Have the Honor &c

John W Kerr

F. O.

Hon Commr
Crown Lands
Quebec

John W. Kerr Esqr

Hamilton, 20. June 1865,

Fishery Overseer — Sir, I wish to purchase from the Government a small strip of land, containing about one acre in front of my house on Burlington Beach, being lot 27, in the 1st. concession of Saltfleet, I have been living there for eleven years having settled there. I rented the fishing ground up to 1862, and continued in possession during 1863, and 1864. In 1862 I got the place surveyed by Wm Boulthee Esqr. P. L. S — and applied through Mr Robertson then County Atty, to the Government to be allowed to purchase the same. Mr Robertson advised me to apply to Mr McLennan who was then Supr. of fisheries. I did so and gave a copy of the survey to Mr McLennan to apply to the Govt. on my behalf but Mr McLennan never received any reply from the Govt.

I hope, you will renew the application for me —

Joseph Perry
by his Attorney
Cahill & Son

Hamilton,

Sir —

Hamilton. 24, June 1865,

I have the honor to submit for your information, consideration and decision, the application of Mr Joseph Perry, fisherman — Lessee of fishing stations No. 5, and 6, Burlington Beach, to purchase a small strip of land "about one acre", situated on Burlington Beach in front of lot No. 27, B.F. township of Saltfleet, which he requires for a vegetable garden, in consequence of that part of the Beach "in front of it" on which he resides and became a settler

or

squatter about eleven years ago, having barren sand, having a public road on the South side of the Beach, north of, but next to the strip of land alluded to, and which is fenced in —

Mr George Lerofthwaite, a farmer who owns lots No: 26. 27. and 28 — B.F. Township of Saltfleet, it appears, fenced in the strip of land, a few years ago, took possession of it, and at present it is planted with luxuriant potatoes his property. This it appears, Mr Lerofthwaite has done of his own free will and accord "so as to acquire title and ownership" — he too, is most desirous of purchasing it, and from what I have heard "if true" that both he and Mr Perry have already made application through my predecessor Mr John McLean, to purchase same, without any refusal to either . . . .

I have personally no choice in the applicants referred to, in this matter; beyond what I shall here take the liberty of stating. Mr Joseph Perry, whom I have personally known for about ten years I became acquainted with during the construction of the works, when I was in the employment of the G. W. R. Coy, as 1st Clerk in the Engineers dept of same here — Mr Perry then occupied the position of Mr. Smith, and Carpenter with Mr Geo: J. Harris, who had the Contract for ballasting the Railway or track, and was then engaged at the Grand pit on the Beach, near to where he now resides, he is a most valuable man in this community "Saltfleet" being an excellent blacksmith,

horse shoer, and Carpenter by trade, a born Canadian by birth, a good and loyal subject; And as I understand those strips of land and beach property acquired and owned by the Crown at the Brighton Beach, are intended for the sole benefit of worthy fishermen either to rent or purchase at the option of the Hon^ble Commissioner of Crown Lands; I have much pleasure in recommending the Joseph Perry application to your favourable consideration. —

I Have the Honor to be
Sir,
Your Obt Servt,
John W Kerr
J. P.

The Hon^ble
Commissioner
of Crown Lands
Quebec

Sir, — 24, June 1865.

I have ~~received~~ the honor to acknowledge the receipt, of your letter of the 22^nd instant in reply to mine of the 19, inst, and in obedience to your order I have the honor to recommend that Mess^rs David Ward, George Durrant and Pat Ward, be leased for the current year 1865, of the fishing station fronting on the township of Seaborn, as formerly leased to Mr John Hanlon; and I have further to recommend that the sum of ten dollars be rent, sufficient to change for the same for the period specified. —

Will you be pleased to send me the Lease as you propose; at your earliest convenience.

I Have the Honor
&c &c &c.
John W Kerr
J. P.

The Hon
Commissioner
of Crown Lands
Quebec

Sir

27 June 1865.

I have the honor to enclose you a letter, I received from the Jos. Duncan one of the Lessees of the fishery, at the Island, Toronto, who complains of undue interference on the part of the Commissioner Fishery Overseer, Cobourg. — Of course I know nothing about what is complained of, and have no desire to lease the fishery opposite the township of Scarboro. — I wrote you on the 19th inst. while thinking in my own mind it might be considered I was intruding on the Commissioner's limits; — But as your letter of the 22d would imply, I was not to hesitate for a moment but obey orders, I at once sent forward at your request my recommendation. — A. A. on the 24 inst. —

As it was your wish that I should do so, will you be pleased to inform me, and instruct the Commissioner not to interfere with the fishermen under my superintendence without your express authority. — On hearing from you I will very quickly have the trespassers complained of brought before the Police Magte at Toronto, and punished, please let me know if this course will meet your approbation. —

I Have the Honor

John W Kerr

P. O.

The Hon.ble Commissioner of Crown Lands, Quebec

Toronto

June 25, 1865.

John Kerr Esq.
Dr Sir,

I beg to inform you that the fishery inspector East has interfered with our Lease as given by you he has told parties not pay us any rent - and that he will stand between them and harm they are now fishing on our ground. - You have leased us the grounds from the mouth of the Humber 10 miles East, we therefore pray that you will communicate with the Inspector East and prevent any trouble that might arise from this trespass - you will see that there may trouble arise, and it is the fault of the Inspector East, or yours. We do not wish any annoyance to either of you - a simple explanation from you I think will make all right

Yours
Geo Duncan

Wednesday. 28. June 1865. –

Proceeded to Hamilton. thence to St. Catherines. thence to Niagara. went out at 4½ a'm. thence to 4 mile run – measured the distance from Seconds point to Dr. Stevensons point – and the breadth of the sand bar at intermediate points – so as to send a sketch of same to the Com: of Crown lands. —

| | | |
|---|---|---|
| Charges | Horse & buggy. | $ 1.00 |
| " | R. Road fare. | 1.00 |
| " | Stage fare. — | .50 |
| " | Refreshment. — | 10 |
| | | $ 2.60 ¢ |

Saw John and Patrick Hand who have agreed to pay $ 6. cash for the privilege of occupying the sand bar and fishing with gill nets for white fish and Salmon Trout. —

Thursday. — 29. June 1865.

Proceeded to Queenston. and inspected the fishing there. found the wife of Dr. Dorr fishing with a Machine the property of John Wadsworth on Station No: 2, for which he has taken out no license – the net is not quite an inch square – went up the river and found Horace Hodge and Thomas Gunlock fishing for John Wadsworth on lot No: 19. with an illegal net. told them to inform Wadsworth I would have him fined for doing so – went out at 4½ a'm came in at 11. a'm. Miles 22. – Nancy Sheppard accompanied me up the River. – proceeded from Niagara to 4. mile run to meet Dr. Stevenson. had a smart talk with the Dr. who was very petulent. and claimed the sand bar as his property – told him he must come under Payment

Rec'd $1. from Nancy Sheppard for David Jackson

from Niagara to Lewiston Horse & buggy 1.25.

for the privilege he enjoyed for music the same went out at 12. o'clock – thence St. Catherines home. paid for a flour barrel 25¢. paid fare from Niagara to St. Catherine 1.75. board in Niagara $1.75, received $26. from Mr Thos Elliott for his fishing ground – fare from St. Catherines to Hamilton $1 – fare home $1. – ~~thence~~ Home at 7. P. M. – Miles Home $1 –

Friday 30. June 1865.

proceeded to Hamilton, thence to Port Credit went and saw Mr Thos Slade, midway or 3 miles from the Credit to Oakville had a long chat with him – he declining to rent the fishing this year – Had a long chat with him on fishing in general – walked up to Oakville by Lake Shore Road – thence to Bronte – took train from Bronte to Wellington Square – fare 30¢, thence by B. Beach – home – fare 1.25 Rail Road fare to Pt. Credit $1. – fare from Wellington Square Station to the Village 15¢ & got home by 9. a.m. – Miles –

Sat: 1st of July 1865.

Proceeded to Burlington Beach, and served Benjn Joice, with a summons for fishing in Burlington Bay on the night of the 9th of June at 11. o'clock, p. m. – went out at 9. p. m. – came in at 11. p. m. Miles 24 – Served him personally. –

July No. 1.

1st of July 1865.

Sir, I have the honor to enclose you a draft on the Bank of Montreal for the sum of twenty 6 dollars being the amount of rent received by me from Mr Thos Elliott of Niagara, for the fishing station herein described in the accompanying duplicate license for this current year of 1865. –

You will please perceive that the License is dated the 8th day of May last, but ~~I did~~ Mr Elliott did not pay me until the 29th of June. –

I Have the Honor &c.
John W. Kerr,
F. O.

To.
The Honble
The Commissioner
of Crown Lands
Quebec

1st Jul 1865.

Sir, I have the honor to apply to you for a License for Messrs Alex Keith and Doctor Stevenson to fish pile nets, under the same conditions as the Messrs John & Patk Hand, except that in this case Keith and Stevenson are partners, and only require one license.

Will you be pleased to fill up the license & send it to me for delivery.

I Have the Honor &c
John W Kerr
F. O.

Honble Commissioner
Crown Lands.
Quebec.

Sir, 1st of July 1865.

I have the honor to state for your information that I found on my inspection at Niagara the other day, the John Hand and Patk Hand, who occupy temporary shanties on the sand bar, 4 mile creek pond - township of Niagara for the purpose of fishing gill nets in deep water, "Lake Ontario" - and pond which they depart and return are willing to pay a small rent of $6, a year, each for this privilege.

Their residence when at home is at the eight mile creek, in the township of Grantham; but they spend months annually fishing in the neighbourhood of 4 mile creek - they seem to be men of reason particularly John Hand. -

I would therefore recommend that you be pleased to file up two seperate licenses for gill nets, or boat fishing for each, for the current year, at the rate of six dollars per year. -

The Philo Bates of Burlington Beach, the John Whitmore, James Cantwell and Messrs Keith & D. Stevenson now occupy this sand bar for a similar purpose. - I presume that a person having already leased a fishing station can fish in deep water with gill nets without taking out a special license for the same; am I right? -

Philo Bates I was informed said he would see myself and the Govt to hell before he would pay license; however if he does not pay after I hear from you; I will be under the necessity of driving him off. —

I will send you a sketch of the bar in a few days — I Have the Honor &c

John W Kerr
P. S.

Hon: Commissioner

Sir

1. July 1865.

I have the honor to state for your information that I waited on Mr Thomas Slade, who lives on the North shore of Lake Ontario about 3 miles South of Pt. Peredit. — He seems to be an intelligent man, well skilled in fish and net & line fishing, he declines taking out his License for the Current year of 1865. — He anxiously looks forward to the passing of the "Amended fishery Act" — and gives it as his opinion that the meshes of gill nets for the taking of White fish and Salmon trout, should not be less than 4½ inches extension measure. — And the Centre for draw nets or Seines should in no Case have a mesh less than two inches square; and with him on those two points I fully concur, as from our own personal Knowledge and observation, I can give satisfactory evidence, corroborating these facts. —

But the great time of all others to protect the fish — Salmon trout and white fish, is in the Spawning season, when Seines and gill and set nets are all destructive. —

The places where the greatest havock and destruction is carried on in the Spawning Season of the Salmon trout and white fish is ~~these places~~ where they most resort viz. at Wilsons point, Marigolds point, Bronte and intermediate ~~points~~ places on the North shore Lake Ontario, and at the Burlington Beach, the gift "Ontario" — and thence to Niagara on the ~~South~~ shore of Lake Ontario —

Prompt measures will have to be reported to, to effect this at the proper season, and thus it is, that I ~~[illegible]~~

draw your particular attention to this important subject; so long before hand. —

I Have the Honor &c

Hon the Commissioner

John W. Kerr

F. O.

Sir,

1. July 1865,

I have the honor to report for your information; — that on visiting the fisheries at Queenston Heights on the 29, ultimo, I found that Mr. John Wadsworth had two machine nets there, in active use and operation, catching herring, black bass, sturgeon &c. &c, I send you four meshes of the single net — you can judge for yourself. —

Mr John Wadsworth, was represented to me by Col: Coffin and his son-in-law, Mr Washington Fox as a bad man of a desperate character. He leased fishery stations numbers 14 and 17, for the current year of 1865, for which he paid eleven dollars. — Please refer to my letter to you of the 27. May. — Number 14, he took to prevent others from getting it, he does not fish on it, but he fishes on No: 17, and No: 2. —

Fishing station No: 2, he did not take out a license for — he claims the land ½ an acre, situated on the bank of the river Niagara, with a river frontage of 224 ft: This parcel of land formerly belonged to a person of the name of Secord: — So marked on Map. —

Shall I complain agt. him for fishing without a license on lot No: 2, and also for fishing with an illegal net on lots No: 2 and 17 in the township of Niagara, in contravention of the fishing Act. —

Your instructions in this matter is solicited. —

I Have the Honor &c

John W. Kerr F. O.

Hon: Commissioner C. Lands,

Toronto

Tuesday July 4. 1865.

Proceeded to Hamilton and made oath to the correctness of my quarterly a/c, ending 30th day of June last, – when going up stairs to the Jarvis Cahill office – a person who afterwards called himself by the name of Wm Cummings, residing near Mary st. Bridge – Hamilton – near the G.W. Ry – offered me $10. to allow him to fish a net in the Bay, – searched for the Cahill but could not find him at the time, my object being to secure information of Cummings for attempt of bribery as from his language his manner and gestures he intended the ten dollars as such –

Swore information of Wm Cummings afterwards – and gave the warrant to Constable Jones for his arrest – went out at 9. a.m came in at 5. p.m – Miles 8 –

Wednesday 5. July 1865.

No. 2 proceeded to Hamilton and attended before
⁂ the Police Court, prosecuted Bryan Jones for
hauling a net in Bay, on 9th June last at
JY 11 o'clock night – he was fined $8 and costs –
went out at 8. am came in 4. p.m
miles 8 –

Thursday 6. July 1865

No. 3. proceeded to Hamilton thence to B. Beach
⁂ was present when Thomas Armstrong, Wm Pad=
ding Aaron Fletcher and John Haynes – hauled
in their nets – hauls light. Tom Armstrong
and Jacob Knell complained of John Laffe
for setting his pile nets in front of their
fishing stations – thus doing their fishing
injury – went out at 5½ p.m came
in at 12 mid-night – Miles 24 –

at my quarterly returns until I left for the Reach —

Friday 7. July 1865.

At my quarterly returns thence to Hamilton made oath to the Correctness of the duplicates — went out at 12. Noon. Came in at 7. P.M. got Constable Graham to sign receipt for a dollar Mile 6 —

7. July 1865.

Dear Sir — I am in receipt of your letter of 25, ultimo, which I received; I lost no time in lay=ing it before the Dep.t of Crown Lands —

I received from the dept, this day your decision for the Scarboro fishing — be pleased to send me up ten dollars and I will send you down the License. —

The communication which I received with the license has the following clause & sentence therein which I hope will prove entirely satisfactory to you and partners the Messrs David Ward & Pat Gray — they! — "Mr Cameron, Fishery Overseer "at Cobourg has been advised of the issue "of this License, and will afford the licensees "protection against trespassers" —

As regards the Island fishery to the Humber &c, render me — if any person among you, I am always ready to aid you and will drive away and punish all intruders and trespassers whenever required by you to do so.

If you can prove any ~~thing~~ charges of the sort against any one just let me know — Mr Cameron will & am satisfied from

the above quotation do likewise —

You are sole master of the whole fishing to govern yourselves accordingly — — see when you make your arrangements — that the fishing is carried on according to the strict letter of the fishery act —

Be pleased to give my kind respects to Mr Charles Fisher, and be pleased to accept all of you my best wishes for your prosperity in this new undertaking —

Yrs respectfully
John Wilkes
F. O.

Messrs Ira Dumon
Daniel Ward
& Paul Gray,
Isle aux Coudres P. O.

Sir,

7 Jul 1865.

Will you be pleased to find herewith a return of fish imported and paid duty the quarter ending the 30th day of June last, amounting to the sum of forty six dollars — of which the sum of twenty three dollars, belongs to the Fishery Branch of the dep.t

I Have the Honor &c.
John Wilkes F. O.

Hon Com.r of Cr Lands
Quebec

Sir

Hamilton, 7 July 1865.

I have the honor to enclose you herewith, an abstract return in duplicate of my diary for quarter ending 30th day of June last; the number of days and nights actually engaged: set down at 39, as follows: viz:—

Month of April, 13.—
" " May, — 13,
" " June, — 13 = 39, days and nights actual employed.—

By the Memorandum in duplicate enclosed herewith; you will find that the amount for eleven days comes up to the full sum of $51.40.4 and this you will observe exceeds the per diem by $29.40

These charges you will find are moderate considering that the number of miles travelled was 763, or at the rate of about 6¢ per mile; all of which is respectfully submitted for your consideration and approval.—

| | | | |
|---|---|---|---|
| Then there is boat hire | $ 2 | 75 | |
| " postages and telegrams | " 1 | 55 | |
| " R. R. Waddell's a/c't — — | 4 | 00 | |
| " Cartage, — — — | 1 | 50 | |
| " Constable, — — | 1 | 00 | $10.80¢ |

I Have the Honor &c,
John W Kerr, P.O.

Hon: Com. of Crown Lands.— Quebec

"Memorandum", – abstract of diary –

| | | | | |
|---|---|---|---|---|
| 1865, | April 1st | | Number of Miles 8. H & B. | 1. |
| | 4, | | " " 12. foot H & B | 1. |
| | 6, | | " " 6, H & B walk | 1. |
| | 7 | | " " 6, walked home | 1, |
| 8, | Miles — | 10, | Horse & buggy. — | 1. |
| 22, | " | 16, | Horse & buggy. — | 1, |
| 24, | " | 8, | Horse & buggy, | 1, |
| 25, | " | 18, | Horse & buggy boat | 1, |
| 26, | " | 14, | Boat &c. | 1. |
| 27, | " | 24, | Boat, Horse & buggy. | 1. |
| 29, | " | 10, | Hand buggy. — — | 1. |
| May 1, | " | 18 | Horse & cart, boat, — | 1. |
| 2 | " | 8, | Walked — | 1 |
| | Sworn to 4 Jul 1863 | | | 13 |
| 1865. | Jas Carlile | | | |
| May 3, | Miles about 60, Ry. Horse & buggy – walked. – – | | | 1, |
| 4, | " " | 80, H & B, Ry & walked. — | – – – | 1, |
| 8, | " " | 70, H & B. Ry — | — | 1, |
| 9, | " " | 47, H & B, Railway. — | — – | 1, |
| 14, | " " | 16, H & buggy — | — – | 1. |
| 18, | " " | 20. H & h — | — – | 1. |
| 20 | " " | 8, & H & B. — | — – | 1. |
| 22 | " " | 64 – H & B. Ry. walked. | — – | 1. |
| 23, | " " | 60, Ry H & B. — | — – | 1. |
| 27 | " " | 8, H & B. — | — – | 1. |
| 1865 June 5, | " " | 22, H & B. — | — – | 1, |
| 7. — | " " | 26. H & B — | — – | 1, |
| 8, | " " | 90, Ry H & B boat & walked | – | 1, |
| | Sworn to 4. Jul 1865 | | | 13 |
| | Jas Carlile | | | |

Cont'd.

| | | | | |
|---|---|---|---|---|
| June 9, | Miles | 30, | Horse buggy & boat — | 1, |
| 10, | " | 8, | Horse & buggy. — | 1, |
| 12, | " | 26. | — Horse & buggy. — — | 1, |
| 13, | " | 8 | — | 1, |
| 14 — | " | 26 | Horse & buggy — | 1, |
| 15, | " | 86 | Ry Horse & buggy. — | 1, |
| 17, | | 26. | H & buggy. — | 1, |
| 22, | | 26. | H & buggy. — | 1, |
| 24 | | 18, | H & buggy. — | 1, |
| 27, | | 8. | I walked — | 1, |
| 28, | — | 60. | H & B. Ry | 1 |
| 29, | — | 76 | — H & B. Ry — | 1, |
| 30. | | 70, | Ry. H & buggy. walked. — | 1; |
| | | | | 13 |

Sworn before Jas Cahill
4 July 1865.

12. July 1865.

Sir — Will you be pleased to find herewith, two receipts in duplicate, which should have accompanied my quarterly accounts sent you by mail on the 7 inst. viz

| | |
|---|---|
| H L. Bastien | 2.75 |
| Jas Brand | 1.50 # 4.25 |

I Have the Honor
John W Kerr
P. O.

Hon Commissioner
Crown Lands
Quebec

Sir

12. July 1865.

I have the honor to report for your information that on the 4. inst. I was accosted by a person calling himself William Cummings, resident near Clay st. Bridge G. W. Ry City of Hamilton, who offered to give me ten dollars if would allow him to pole a net in Burlington Bay – and that no person should know anything about it. —

My determination was instantly made up in this case, I swore information agt. him for attempting to bribe – and at the a warrant was placed in the hand of a policeman fifteen minutes afterwards he has evaded being arrested —

I Have the Honor &,

John W Kerr
P. O.

Hon Commissioner

---

Sir

13. July 1865.

I have the honor to enclose you a draft on the Bank Montreal for the sum of ten dollars being the amount paid to me in July by Messrs David Ward, George Dumon and Pat Gray, of the City of Toronto, for the seaborn fishery for the season and year of 1865.

I Have the Honor &,

John W Kerr
P. O.

Hon Commissioner
Crown Lands
Quebec

Friday the 14. July 1865. –

proceeded to Hamilton, thence to Burlington Beach and measured off fishing station No: 19. for James Waddell – Mrs Baldey objecting to his getting it – as she had legal advice on the subject, and she said several other things, went out at 9. a.m. came in at 4. p.m. – Miles 24. –

12. July 1865.

Sir.

I have the honor to ~~enclose you~~ acknowledge the receipt of your letter of the 5th inst. regarding the application of Mr Joseph Perry. By the enclosed tracing of the plan I received for my guidance "of the fishing station at Burlington Beach", from the department you will please find fishing stations No: 3, 4, 5 and 6. – Mr Perry who is lessee of No 5 and 6, for this current year of 1865, lives on the Beach in front of No. 4, which altho it is marked down to Alex: Brown is not fished and I believe never was, for it requires to be cleared of trees and logs of wood. A small strip of land a part of the south beach of fishing station No: 4 is what Mr Perry applied for. – Mr Geo: Crofthwaite is the owner of lot No: 27, a land lot of 100 acres situated in B.F. township of Saltfleet Mr Crofthwaite boundary on the north end of this lot comes to a small water course on the south side of the Beach opposite No: 4 fishing station – this water course is situated between fishing station No: 4 and this land lot No: 27 – the Beach at and in front of this place is upwards of 100 yards wide and continues so north of lots 26 and 27. The Beach is bona fide the property of the Government, "except a public road". This road is situated on the south side of the Beach – on the south side of this road, a post and board fence was erected by Crofthwaite in the year 1861. and between ~~this~~ post and board fence and the water course already referred to, is the small strip of land applied for. –

As far as my judgement leads me to believe the small piece marked thus x x x on the tracing is what is applied for. –

J. W. Kerr Esq.,  Hamilton, 14 Jul 1865.

Dear Sir, Will you be kind enough to leave my lease & left with you some time ago with Mr Waddell so as I can get it when I come up again and oblige

Yrs respectfully
Joann Baldey

Onl received on 24 Jul 1865. John W Kerr

24. Jul 1865.

Sir, I have the honor to apply to you for a License granted to Mrs Baldey by the late Supt of Fisheries for upper Canada, and which I enclosed to you on the 10th day of June last.—

This application is now made by me at the request of Mrs Joann Baldey herself.

I Have the Honor &c,
John W Kerr
F. O.

Hon Comr of
Crown Lands
Quebec

Carried from last page,

If my explanation to your Letter has found sufficiently clear to warrant your doing so, I would recommend that you be pleased to grant Mr Perry's application. The water course referred to altho not laid down in Mr Buchanans plan runs in front of Lots 26, & 27, B.F, township of Sattfleet, and from this water course running in front of lots 26 and 27, to the waters of Lake Ontario it is more than 100 yds wide - the entire length of ale the Beach in front of lots 26 and 27, which is Govt Property. —

Mr Joseph Perry continues sole occupant of fishing stations No 5 and 6, for this season. —

I Have the Honor &c.
John W Kerr

Hon: Com: of Crown
Lands - Quebec.

Sir,

With reference to your letter of the 21. June last, I have the honor to enclose you the tracing of a plan showing the four mile creek pond and sand bar; The sand bar is 27 c, and 47 lks within the points marked, and varies from 36 lks to 2 chs and 50 lks in breadth from Doctor Stevenson's land see original outlet of 4 mile Ck to the present outlet of the pond of the other small ck east of the pond west of Seccords property.—

Dr. Stevenson claimed the entire bar on the 29 of June last, as his property, but this assertion is absurd as the sequel will prove. I quieted his fears thereon on the matter; Dr. Stevenson asserts that his deed states that his land is bounded by the four mile creek on the east, thence along the said creek to the water of Lake Ontario.

In my conversations with Dr. Stevenson I ascertained that his whole desire from the very first was to get hold of the 4 mile creek frontage and the other fishing stations at Niagara and with other persons form a monopoly to the prejudice of honest and industrious fishermen.—

This I reported ag't, when he made a written application for the entire Lake frontage, in front of his farm, which according to his assertion at the time would now include the entire sand bar of 27 chs 47 lks

I raised no objection and I did not question the correctness of the wording of the Doctors deed;— It was I believe faily rendered by him, but I would be doing great wrong to myself and the department, if I omitted to assure you, that the four mile creek originally had its outlet to Lake Ontario where I have marked it on the plan thus ✕ ✕, and where within a few years past many of the fishermen of Ds. Beach were in the habit of running through in their sail boats and anchoring in the four mile pond — this is now changed — and the outlet is 27 chs 47 lks more eastwardly, and when I last observed it on the 29 of

June

it was a mere dribbling stream over which I walked without wetting my boots; this forsooth is the pond Mr. Stevenson would lay claim to according to the wording of his deed on reference to the plan the whole thing would appear preposterous. — My own opinion is that the pond originally was a portion of the Lake Ontario, and that this sand bar has little by little grown to its present position by the sole action of the water of the two creeks, coming in contact with the strong current of the mighty Niagara River - the powerful effects and pristine greatness of which is so frequently felt on the high banks of the shore in this neighbourhood, and tapering off at this point of the current with two small streams formed the sand bar in question. — When the water is high, the bar is submerged and presents a narrow surface. —

I might enlarge upon the formation of sand bar in front of other creeks on the south shore of Lake Ontario, but as no question has at the present time arisen, I would have no legitimate cause for doing so.

I Have the Honor &c

John W. Kerr

P. O.

Hon Com of
Crown Lands
Quebec

Wednesday, 26. July 1865. –

No. 5. Proceeded to Hamilton home and thence to Burlington Beach, heard that Dan McGuyne & Benjn Folds, fished on Sunday last, which I shall report to Hon: Comm: of Crown Lands – and also that they make square hauls for herrings and fish their White fish net with a herring centre – went out at 9. a.m came in at 11. p.m – Miles 20 –

No. 6. Thursday, 27 July 1865.

Proceeded to Hamilton, thence to Wellington □ and by the Beach to the Canal – heard that Mrs Baldwy fished on Sunday last – Creech and Alick hauled the net – Mrs Waddell and James Waddell made the complaint, agt. her – Aaron Fletcher complained agt. Benjn Folds for hauling a net in the Bay. – Lee and Sam Corey were present –

John Gaffe complained agt. Benj: Folds & Dan McGuyn for fishing on Sunday last 23rd Jul – and also that they have fished their White fish Seine, with a small herring Centre – went out at 1. o'clk p.m came in at 9. p.m – Miles 24 –

Sir, 28. July 1865.

I have the honor to report for your information, that on Sunday last the 23rd inst. Mr Dan McGoyne, Benj Folds and Alex Joann Baldry, fished and caught fish in Lake Ontario, at Burlington Beach, in contravention of Act 8 of Vic: Cap 45.

Complaint was made to me on yesterday, by Aaron Fletcher, John Taaffe and James Waddell who are prepared to prove the cases. —

By Section 48. page 4. the penalty is $ 200. —

Before taking proceedings, I consider it my duty to submit these matters to you for instruction and advice.

I have the Honor &c

John W Kerr

J. P.

Hon Com of Crown Lands Quebec

No. 1.

Friday 28 – Jul 1865.

Proceeded to Burlington Beach Aaron Fletcher complained to me of Dan McGoyne and Benj Folds making long square hauls – the night appeared to be coming wet went out at 4. pm came in at 11. pm Miles 16. —

No. 2.

Saturday 29.

Went out Shooting – left off Shooting and proceeded to B. B – saw Fletcher & John Taaffe, heard that Benj Folds & Dan McGoyne made the long hauls and white fish with small mesh herring nets on Sunday 23 Jul – went out at noon came home at 6. p. m – miles 20. saw Dan McGoyne make a haul for Morning. —

Sir

29 July 1865.

I have the honor to acknowledge the receipt of your letter of the 26th inst, enclosing me a letter from Charles A Saddler, Atty, Hamilton, to the Hon Provincial Secretary with the petition of Mrs Joan Baldry of B. Beach, in the township of Saltfleet, to His Excellency the Governor General &c, &c, &c, for my remarks. – –

1st I have simply to state, ~~that~~ it is true, that Mrs Baldry is a Widow! but she has no family, no children.

2d It is true that she leased fishing stations No: 18 and No: 19, ("not the south half of 19, as her petition states") for two years at ten dollars per year; – I have leased fishing station No: 19, for the year 1865, for eight dollars – and her statement on this head you will observe is incorrect, for she had two stations Nos: 18 and 19, for ten dollars a year; it is not true that she paid her rent therefor, as I find by a return dated 10th of June 1865, with which you furnished me, that she is a defaulter to the amount of ten dollars on station No: 18, for the year 1862. 'Tis not quite true that she was in possession of fishing station No: 19, but it is strictly true that James Waddell is the occupant of fishing station No: 19, and always has been personally in possession of same. –

In the year 1860, however Mrs Joan Baldry proposed to James Waddell, that she, and he, would take out the lease for station No 18, her and for station No: 19, his, jointly, and they agreed to do so and Waddell paid Mrs Baldry 4 $ on acct of the same. –

Mrs Baldry as it appears, then applied to the late Supt of fishing for Upper Canada, and she took out the licence for the years 1860 and 1861, of stations No 18 and 19, for her own individual self and in her own name; and for her own behoof, instead of jointly as agreed to, and then

deceived her neighbour Waddell, and betrayed the confidence he reposed in her — and such is the manner, by which she obtained the two years Lease, and now! as it appears by the aid of Mr Charles A. Sadlier, would try, and make her=self appear to be a much injured woman...

On the 10th, of June last, the fishermen of Burlington Beach, were called together by me, that I might deliver to them their Licence for the current season and year 1865;— Mrs Joan Baldry and Mr James Waddell presented themselves; Waddell applied for his own station No: 19 — stating he would not take out a joint lease with Mrs Baldry any more; Mrs Baldry applied for the Lease of both stations No 18, and 19,— the same as her lease for the years 1860, and 1861. now in your possession describes it; then it was for the first time, that James Waddell, who was present with other fishermen, discovered what Mrs Baldry had done; I could under the circumstances just related there before me, have no difficulty in making up my mind, but on reflection I wrote you;— please refer to my letter to you of the 10th June last, you replied thus! "With reference to the leasing of station "No: 19, Burlington Beach, you can decide the "matter in the way you consider the best"2 and I have no hesitation in acknowledging that I have done so, finding besides that Jas Waddell name was marked on the Map "13. April 1859"— as owner of No: 19, of the fishing stations sent me by you for my guidance, and to which I beg to refer you. —

As to Mrs Baldwy being deprived of her fishing station No: 18, and her right of fishing there, ~~it is~~ this is simply a fabrication in keeping with her other statements, she still holds it, and not content with exercising this privilege, ("altho she has not yet lifted her License for 1865") during every day of the week she has made herself amenable to the Law, by hauling her Seine on Sunday last, the 23rd inst please refer to my report to you, on this subject.

Tis not true that Mrs Baldwy has occupied station No: 18, for eight or eighteen years, it is only since the fishing stations were first laid off, that she has fished at all. Tis true that her house and tavern are adjoining the same, at present Mrs Baldwy has no license for dispensing Malt Liquor, but I understand; she does so, not-withstanding!!. it is equally true that Jas Waddell, residence is also, so situated, tis quite correct that she purchased a net (for eleven dollars) worth forty, I told her where to obtain it, but it is not needful. — To comply with the prayer of Mrs Baldwy's petition would be to inflict a very serious injury on James Waddell his wife, and daughter, and so the Hon: H. B Bull says! — James Waddell has resided on Burlington Beach for twenty five years, and his wife all her life time, she is now thirty six years ~~of~~ old and have enjoyed this fishing privilege all this time; Mrs Waddell was born within a few feet off, from where she now resides, the house was burned down about eleven years ago. I cannot help remarking that those always pursue it through life that on a change of persons in authority, crafty people, always endeavour to benefit

themselves at the sacrifice even of old neighbours as in this instance Mrs Baldwin attempts to do.

On the whole the course I have seen fit to pursue, was under your directions; the people of B. Beach, some of them have a happy way of their own of acquiring property — if petitions and attys letters were to decide their right thereto, without any further enquiry. —

I have to apologise for taking up your time at such length but all I have here stated are plain facts which can be corroborated. —

I Have the Honor &c

John W Kerr
J. C.

Hon Com: of
Crown Lands
Quebec

Hamilton, 17, July 1865.

The
Hon: Provincial Secy
Quebec.

Sir

I beg to enclose a petition from a Widow named Baldwin praying His Excellency to grant her a Lease of some fishing grounds on Burlington Beach which she has been in possession of for some eighteen years, and to request the favorable consideration of his Excellency in Council

I Have to remain
Your Obt. Servant.
Chas A. Sadlier

To his Excellency, The Right Hon
Charles Stanley Viscount Monck, Governor Genl
&c. &c. &c.

The petition of Joan Baldry, of the township of Saltfleet, in the County of Wentworth Widow,

Humbly Sheweth

That your petitioner has lived for about eight years on Burlington Beach endeavouring to support her ~~self~~ family principally by fishing

That on the 30th of May 1860, your petitioner leased and entered into possession of lot 18 and the south half of lot 19 on Burlington Beach for a period of two years from the 1st of February 1860, as has paid the rent therefor —

That your petitioner has ever since been in possession of said lots, using the same for fishing purposes —

That a short time ago the right of fishing on said Beach was again leased and altho' she was willing and offered to lease the same and pay the rent required, still her offer was refused and the premises were rented to one James Waddell for a much less sum as she is informed. —

That it is a most serious loss to her being deprived of her fishing grounds, as her dwelling house and tavern sign adjoining the same, and she has been at the expense of a net, which will be useless —

Your petitioner therefore prays that your Excellency will grant her the usual lease of said premises, she being ready and willing to pay a fair rent therefor —

Joan Baldry
by her Atty
Chas A. Sadlier

Hamilton
17. Jul 1865.

Sunday 30 Jul 1865.

Proceeded to B. Beach had a long chat with John Laaffe John Krell, who informed me that Benjn Foley fished on Sunday 23 and caught white fish. Samfish was also present when the haul was made – went out at 2. P.m came in 8 P.m. Miles 20. – ~~Net Foley~~

Monday 31, Jul 1865.

Proceeded to Hamilton, mailed my remarks on Mrs Baldwy Petition – thence to Burlington Beach – saw Benj: Foley & Danl McGoyne cautioned them for making long hauls for herring – heard that Benj: Foley caught 100 small white fish and 12 good large ones in having net this morning went out at 8, & came in at 6 P.m. Miles 24 –

Dear Sir — Private, 26. of Jul 1865.

I have the honor to acknowledge the receipt of your private note of 21st: just at hand; asking me: "Have you licensed the station "formerly occupied by Mrs Baldwy to a man named "Waddell".

In reply to this enquiry I have simply to state for your information, that I have licensed station No: 19, to James Waddell, always the occupant of the same, except that it might be construed that Mrs Baldwy was the former occupant, under a two years licence obtained by her, which I sent you, from the late Supt: Intendent of Fisheries for L. Canada. Please refer to my letter to you, dated 10th: of June last "Copy herewith". and this letter will refute any aspersions Mrs Baldwy may have now lied before you the Hon: Supt: of Crown Lands –

James Waddell applied for this station No: 19, for himself, he said he did not wish to take out the lease jointly again with Mrs Baldwy, and I consid=ered it not only right and an act of justice to give him the license for the year 1865, and at the same time the exclusive right of this station, for by the map with which the Dept^t has furnished me, I find James Waddell the occupant in the year 1859, see rough tracing of map herewith, By reference to your letter of the 21, of June last, I find you say: "With "reference to the leasing of station No: 19, B. B^ch "you can decide the matter in the way you con="siders to be the best"; I have most respectfully state that I have done so, leasing the station to James Waddell for the sum of eight dollars, and as he is a very poor man I was obliged to take his note at a short date for the amount — Mrs Baldwy can have station No: 18 — formerly oc=cupied by her late husband, and latterly by herself when she made Waddell believe she occupied No: 18 and 19 jointly with him — I may here state that on the 14, inst, when I visited the Beach to measure off station 19, for Waddell, he having applied to me to do so, Mrs Baldwy came pushed Waddell away and prevented him placing a post to mark the eastern boundy: Mrs Baldwy then stated she would not have station No: 18, and she must have 19 — and that she had taken a Lawyers opinion on the subject, I then told her the proper occupant had the lease of No: 19, for the year 1865 — she even urged me to allow James Waddell to fish on the Reserve — which I declined according to, when she charged me with robbing her. — I may add that she has brought influence

she professes pretty considerable to hear to

try and induce me to renew the lease to her for lots 18 and 19 – but I can never do such an act of gross injustice to James Waddell, his wife and families, in short the Hon H. B. Bull came to the conclusion not to do so (Mrs B. is too selfish) – for it appears James Waddell's wife was born in the very place or within a few feet of where she now resides, always enjoyed the privilege of fishing here, and I may say it is the onl support of himself, wife and families while Mrs Baldry keeps a Hotel and has plenty of money in Bank with no incum=brance – The fishing station has been in Mrs Waddell's family long before Mrs Baldry came to Canada. –

By the enclosed note I received from Mrs she wishes me to return the Lease, "I have referred to in my letter of the 10th June last.

~~I Have the Honor &c~~ ~~John W Kerr~~

~~Wm. Whitcher Esq~~

× In order to remove any prejudice I deemed it expedient and proper to give this lengthy explanation of Mrs Baldry and Jas Waddell and I hope the course I have chosen was carried out under your direction will meet your approbation. –

Believe me with much respect yours truly –

John W Kerr

Wm. Whitcher Esq

Sir

2. Augt 1865.

I have the honor to report for your information, that at the present time dissatisfaction exists amongst some of the fishermen at Burlington Beach, in consequence of evil-disposed people there, removing and changing the established landmarks.

Will you be pleased to authorize me to employ a D. P. L. Surveyor to run out and mark off the fishing stations laid down on the Map; the expense of new posts and buoys to be borne by the fishermen themselves.

I Have the Honor &c

John Wker

J. C.

Hon:
Commissioner of
Crown Lands
Quebec.

Sir

Pte Conf 26. July 1865.

It has been communicated to me that the township of Niagara, have or intend petitioning the Govt to obtain control of the Niagara fishery to the prejudice of the present occupants, Messrs Boulton Cantwell and Elliott, and who have gone to considerable expense to clear a portion of the same of large stones, where they at present draw their seine nets. — —

Should a petition of this description be laid before you for adjudication, I beg most respectfully to report, that my humble views are opposed to its being granted. — —

1st Mr John Whitmore of the township of Niagara a member of the Council is father of John Whitmore Jr. and fatherinlaw of Philo Bates, who have always fished without leave or licence, and have been fishing there all this season with gill nets, and the application if made is solely made as I am informed for their benefit, and to the prejudice of Messrs Boulton, Cantwell & Elliott, the present paying occupants. — —

Mr. Angus Morrison the M. P. P. Niagara may be induced to lay the petition before you but I hope you will oppose it. —

I have considered it to be my duty to lay these few words before you. —

I Have the Honor &c

Hon. Commissioner of Crown Lands, Quebec. —

John Wilkes, J. P.

Thursday, 3. Augt. 1865. —

Proceeded to Hamilton, and made complaint agt. Mr. Joan Baldry, Benjn. Folds and Daniel McGwayne for fishing their seine nets and catching fish on Sunday the 23rd of July last being contrary to law. — took out summonses for the same — also received summonses for the witnesses, Wm. Geo. Krell, John Krell, Samuel Fish — and James Waddell. — went out at 12½ p. m. — came in at 8. p. m., Miles 6. —

August No. 1.

Friday, 4. Augt. 1865. —

Proceeded to Burlington Beach, and summoned Wm. Geo. Krell and John Krell, to appear as Witnesses agt. Benjn. Folds and Dan McGwayne — employed Alex Brown to serve the balance of the summonses — Wm. one on Dan: McGwayne, Benjn. Folds — Mr. Joan Baldry — as above: — Witness summons Samuel Fish, and James Waddell — went out at 6. o'clock, am came in at 4. p. m., — having gone around by Albion Mills to hunt Woodcock — by the way of Hopkins meadows. —

Saturday, 5. Augt. 1865.

No. 2. Proceeded to Burlington Beach - found Thomas Armstrong, Wm Badkin, Joe Barry, Aaron Fletcher, John Hynes, and Benj. Folds all engaged fishing. Danl McGwyne sick - went out at 7. p. m. came in at 11. p. m. Miles 20. -

Tom Armstrong complained that Captain King and Head Cooey, came to anchor a Schooner on his fishing ground on Monday morning to deliver Coal to the Pumping establishment of the Water Works - was told by me to report to Mr J. Wesley Hopkins J. P. - met Mr S. B. Freeman, the County Atty -

Monday, - 7th Augt 1865.

No. 3. Proceeded to Hamilton, attended before James Lockie Esq. J. P. to prosecute Mrs Joan Baldwin Benjafolds and Daniel McGwyne the case were adjourned until tuesday morning, in consequence of Witnesses not appearing - went out at 8. a'm came in at 1½ p'm. Miles 16. -

Received fresh summonses from the Magtes for the Witnesses - went out 2. p. m, came in at 11. p. m. - served John Laafe personally - Joe Barry personally - John Krell personally - and left the summons for Wm. Krell with his step-mother for him - gave each Witness 50¢ as Witness fees. - Miles 20.

Alex: Brown who served the summonses in the first instance did not attend to prove the same and neither did the Witnesses attend. -

Tuesday, – 8th Augt 1865.

Proceeded to Hamilton and attended before the Magistrate – Daniel McGrane was arraigned the witnesses would prove nothing against him – Mrs Joan Baldey was arraigned – the Magrs dismissed the case – he considered she was not accountable for the act of her servant. – – –

Benjn Foldy was fined 20 $ dollars and costs took out summonses for Alex: McPherson. Richd Leacock and Wm Williamson for fishing on sunday the 23rd of Jul last, – went out at 8. a.m came in at 3. p.m. Miles 8. –

Proceeded to Burlington Beach to attend before J. Westley Hopkins Esqr J.P. – to prosecute the Captain of a Schooner, who anchored on Mr Thos: Armstrongs fishing ground while delivering Coal to the Water Works at the Beach – the Magistrate I believe allowed the matter to be settled by Mr R.D. McKay paying ten dollars and Costs – Mr S.M. Freeman appeared to prosecute the Case for the department, and approved of the arrangement made – Went out at 4 p.m. came in at 9. p.m Miles 20. –

Wednesday. 9. Augt, 1865.

Proceeded to Hamilton. Gave the summonses to Capt. Nicoll Chief of Police, to have served on Alex: McPherson Richd Leacock and Wm Williamson – and on Joe Perry and James Waddell the witnesses also gave him $1. to pay the witnesses 50 ¢ each – went out at 10. a.m came in at 5 p.m – Miles 8 –

Private.

5. Aug.t 1865.

Dear Sir — As Parliament will assemble in a few days I have to apologise for drawing your attention to the following small matters. At page 6, amended fishery Act. clause 3, the proper size mesh for white fish and salmon trout seines Upper Canada —

"Centre of Nets".

Under no circumstances shall the centre be less than two inches square — for if less than these spaces of fish will soon become extinct as thousands of small white fish — small herring size are being caught continually with the present size net of 1½" inch mesh, and it is very rarely that a fisher=man puts any of them back again into the wa=ters unless a fishery officer is present. —

Length of net 165' ft.s and 300' ft.s is this wrong altogether — I would say the length of the seines to be regulated by locality — and it might be added — It is distinctly under=stood that no seine net shall exceed the length of the land frontage of the fishing station upon which the same is used and fished. —

And so as to settle the question for all time to come seine nets, except as above shall never be used to catch herring, but herring and siskowet may be taken in proper sea=son with gill nets —

I am Dear Sir
With due respect
Your's Tru.l
John W. Kerr
F. O.

Prof. Whitelaw Esq.re
&c. &c. &c.

Sir

10. Aug^t 1865.

I have the honor to report for your information that on monday last the 7^th inst. Mr Thomas Armstrong complained to me that a Schooner had been anchored on his Jailing station B. B. for the delivery of Coal to the pumping house of the City of Hamilton Water Works —

I accompanied Armstrong to the Magte John Wesley Hopkins Esqre & who acted promptly in the case, visited the place of offence so as to convict on view —

The trial was fixed for 5 oclock p.m. on tuesday evening the 8^th inst. and as this was a mere case and the first of the kind here, I asked Mr Samuel B. Freeman the County Attorney to attend which he very willingly complied with; but when we met there, found that the Magte allowed a compromise, the defendant having paid Armstrong a fair sum for impeding him in his jailing — in this case is the department entitled to a portion of the said amount.

I Have the Honor

Hon Commissioner
&c. &c. &c.

John D Kerr
J.P.

Sir,

10 Aug^t 1865.

I have the honor to report for your information that on Tuesday last, Mary Foley, fisherman at B. B was fined $20 and costs for fishing on Sunday the 23^rd day of July last in Lake Ontario.

Mrs Joan Baldy, the Magistrate decided could not be made accountable for the act of her man Alex McPherson, who fished for him on Sunday the 23^rd of July last, McPherson and two other men are summoned up for the offence tomorrow. —

Dan McGuyne fisherman managed by evidence of witnesses to get free. —

Arthur the witnesses one and all acknowledged to me that McGuyne fished, and he acknowledged to me that he done so, such was the Magistrates decision — I was not examined as a witness — Mr S. B. Freeman appeared as counsel at my request for the deft

I Have the Honor

Hon. Commissioner,

&c

John Walker.
J. P.

Friday — 11^th August 1865. —

Proceeded to Hamilton and attended before James Cahill Esq^re J. P. as Complainant against Alex. McPherson. Richard Creech and William Williamson, the case was adjourned until tomorrow and then adjourned until Saturday week. the charge fishing on Sunday 23^rd of July last in Lake Ontario Burlington Beach — went out at 8½ A.M. came in at 4. P. M. miles 8 — made statement of Wm Cummings at the same time he being arrested. —

went to Creech accompanied by Cahill came in at 11 P.M. miles 20

Sir.

11. August 1865.

I have the honor to report for your information, in reference to my report of the 10th instant, that Alexander McPherson, Mrs Joan Baldry's third man, Burlington Beach, Richard Beach of the City of Hamilton, Lorenzo Kaiser, and William Williamson of the township of Barton, Blacksmith, who is a nephew of Mrs Baldry's first husband, were this day tried before James Cahill Esq. J. P. Police Magte. charged by me with fishing a seine net in Lake Ontario, on Sunday the 23rd of July last. —

The net was the property of Mrs Joan Baldry. — Mr Cahill deferred giving his judgment until tomorrow; Saturday, but he told me he would fine each person, twenty dollars and costs.

I Have the Honor
&c &c &c
John W Kerr
F. O.

Hon: Commissioner
C. Lauts —

Mess Joseph Perry and James Waddell proved each case.

No. 5.

John W Kerr

Sat. 12. aug.t 1865. —

Proceeded to Hamilton, and attended the Magistrates Court — got Little Wolfange Cornell and took him before Jas Cahill Esq. J. P. who took his second information agt Manyfolds Lee Cony and Sam Cony for making long spears hands and catching undersized white fish on Sunday, 23rd of July last, —

Mrs Cony Junr. abused and called me several names and attempted to get young Cornell away from me — went out at 8 am. came in 4. PM. on duty 8.

Sir, 11. Augt 1865.

I have the honor to report for your information, that I was served with a Notice of appeal this day by Mr Charles A Sadlier, on behalf of Benjn Foulds fisherman Burlington Beach, who was fined $20 and costs, on the 8th instant, as already reported to you fishing in Lake Ontario, on Sunday the 23rd day of Jul last,

I Have the Honor to be
Sir,
Your Obt. Servant,
John Wilkes
J. P.

Hon. Commissr
C. Lands.
Quebec

Saturday 12 Augt 1865. James Waddell, was summonsed up by Rev: Crooch and William Williamson for selling whiskey on Sunday the 23rd of Jul last — all spite and they did not make the complaint until after the case was tried before the Magistrate agts them for fishing on Sunday 23 Jul —

Sir

12. Aug 5th 1865.

With reference to my report to you of yesterday in which I stated it was Mr Cahill's intention to fine Alex: McPherson, Richard Creech and Wm Williamson twenty dollars each and costs, for fishing on Sunday the 23rd Jul last, in Lake-Ontario Burlington Beach, I have now the honor to report, Where the case came up this morning Mr C. a Sadlier, Esq: appeared for the defendants and stated that the offence having occurred in the County of Halton, the Magistrate had no jurisdiction - and that the Police magistrate for Halifax has no jurisdiction over offences committed without the City of Hamilton. —

I have to remark to you that James Cahill Esq: is Police Magistrate in and for the City of Hamilton, and County of Wentworth. —

Query? 1. I always understood that Burlington Beach is a part of the Township of Saltfleet in the County of Wentworth. —

Will you be pleased to give your decision in this? — —

Query? — 2. And if so, the Hon: attorney General West will be pleased to say whether the Police Magistrate's jurisdiction extends to the County of Wentworth, as well as over the City of Hamilton. —

The Cases have been further adjourned until Saturday next, a week hence, and in the mean time will you be pleased to comply with my request by answering Nos: 1 & 2 queries? —

I Have the Honor
&c. &c. &c.
John Ritchie
J. P.

Hon: Commissioner
Common Lands,
Quebec

Sir,

12 Augt 1865.

I have the honor to send you a copy of the information of Wm George Lovell sworn to before James Lahill Esqre J.P., this day, and in doing so I have to draw your attention to my letter to you of the 27th of May last, asking permission to be granted to the fishermen of Musquodoboit Beach to fish for herring with a net of 250 yards in length &c. &c, one end to be always on the shore and beach. — —

And to which you were pleased to reply on the 2nd of June thus: "You will therefore "be prepared to prove at any time when directed "to proceed such specific use of illegally "meshed nets as will enable the Department "to deal with the cases as circumstances may "demand; but it is not necessary altogether "to stop the fishing for herring at places where "small meshed nets cannot destroy fry and "undersized fishes". —

As I have already reported to you Benjamin Foulds, was fined $20. and costs for fishing on Sunday 23rd of Jul last, but I have now to report Benjn Foulds, Isac Cleary and Saml Cleary, for fishing and infringing on the regulations contained in the above paragraph, for instead of leaving one end of net on shore they made a square or long haul and thus caught small and undersized White fish.

This matter is submitted for your information and advice. —

I Have the Honor &c
John W Ker[illegible]
J. P.

Hon: Com of
Crown Lands
Halifax

Wm Geo: Cecil, swears on oath before James Cahill, Police Magistrate this 12. day of August 1865. That Benjamin Foulds. Zachariah Corey. and Samuel Corey on the 23rd of July last, at Burlington Beach, did fish with a net of a mesh of not more than one inch and an 1/8 of an inch to the square and on that occasion they caught several white fish, and the haul was a square long haul, —

Monday. — Nothing —

Tuesday. 15th Augt 1865.

Note. Proceeded to Hamilton to attend before James Cahill — in the adjourned cases — of prisoners — went out at 8. a.m. came in at 4. p.m. Miles 8 — Returned home and went to Burlington Beach ~~Wednesday — 17. Augt 1865.~~ —

No fishing of any account going on these nows, received $5. from Wm Patterson on acct of fishing leave. —

Wednesday — 16. augt 1865. —

Proceeded to Hamilton, received cheque 223. for $54,054 from defts. went out at 9. a.m. came in at 2. p.m. proceeded to B. Beach accompanied by Wm Gillespey, went out at 4. p.m. came in at 11. p.m. — Miles 20 — saw Jr. Armstrong — hauling his net, — bought the fish, — 2. b. f. — 1. S. Trout, — 3 pickerel and a lot of

Thursday. 17. Aug^t 1865.

Proceeded to B. Beach, but not to inspect nor look after fishing - went out at 11. a.m. came in at 4. p.m. Miles 20 -

Saturday. 19. Aug^t 1865.

Proceeded to Hamilton to attend the adjourned Meeting of trial before Magte. went out at 8½ a.m. came in at 3. p.m. - Miles 6 -

Sir

18 Aug^t 1865.

I have to acknowledge the receipt of your letter of 12, Aug^t enclosing me cheque No: 223. for $54.05, please give receipts in duplicate for the same.

I Have the Honor &c
John W Kerr
P.S.

Hon: Commissioner
Crown Lands
Quebec

23. Aug^t 1865.

Sir. I have the honor to enclose you herewith cheque No 122, for seven dollars - $5 of which I received from Wm Podkin 1/2 payment for this season - one dollar from James Waddell on lot 19. B.B. - and one dollar from David Dixon of Queenston - making in all seven dollars. -

I Have the Honor to be
Sir
Your ob^t Servt
John W Kerr

Hon: Comm of
Crown Lands
Quebec

Sir

24th Aug.t 1865.

I have the honor to enclose you the copy of a letter I received this day through the Post office from J. Wesley Hopkins Esqr J.P. of Saltfleet — and in submitting it for your consideration have to inform you that neither Wm Krell nor Duncan McFillivray in=dividually, nor by their Atty C. A. Sadlier have made any more in this matter, but J. Wesley Hop=kins Esqr J.P. has as his letter informs me been compelled "to shew his weakness" "or political leanings" I presume, the Bates's and the other persons I have been recently obliged to proceed agt under your instructions, to act as he threatens. —

The summons and appeals in these Cases were sent you at the time — see my letters of 21 June last — 2 letters of the 13 of March last

Duncan McFilling was fined ten dollars and Costs, or 40 days in Gaol, — ~~on the 14th of this last~~ he has since left the County Wm Krell agt whom I have a case was abandoned by your instructions —

Mr R. R. Waddell's letter copy herewith will at once point out to you the arrangements agreed to by him with Mr Sadlier — read his letter

Mr Hopkins attention — Jaffe and Cony inform me that they have arranged with "you" is not correct — please refer to my letter of the 16th of June last for the full particulars & I then reported them to you — I never compromise!!! —

I saw Hopkins the Magistrate to=day, and read Waddell's letter to him — he tried to frighten me — but it's no go — let him commit me to Gaol at his peril. — How I long and wish for the new Fishing Law. —

~~The foregoing is submitted for your immediate attention and advice. — I Have the Honor &c~~
~~John W Kerr~~

~~P.S.~~ Hopkins told me to day he was threatened, if he did not act as his letter implies, and he wished me to let you know it. He said spiteful people on the Beach were the persons — Now the statement, I cannot say — He wishes to be exonerated by your from acting — or if I would bring him a letter from Duncan McGillivray that he abandoned the case My reply to him was, I believe the Case when the Atty first took them. —

The foregoing is submitted for your immediate attention and advice.

I Have the Honor &c

John W Kerr
P.S.

Hon: Com of
Crown Lands
Quebec

J. W. Hopkins Esq^re
Saltfleet.

Hamilton 24, Aug^t 1865.

Dear Sir —

Mr J. W. Kerr has just handed me your letter to him under date of the 22nd inst. and judging from the tenor of the same, I must conclude you are not aware of the action taken by the complainants McFilling and Krell. The facts are these McFilling and Krell entered complaints against Kerr and McGlogan for destroying certain fish houses on Burlington Bay — the information nor complaint charged that it was done maliciously, and even if such was charged the defendants would come within the exception of the Act. Being satisfied that your conviction could not be sustained, I advised Mr Kerr to appeal, which he did — at the Quarter Sessions, the Solr for the complainants (Mr Sadlier) for reasons which were quite satisfactory to him requested that Mr Kerr would not prosp the appeals, but to allow them to be over until further notice, — Knowing that if the appeals were tried that Mr Kerr would not be able to collect his costs from the respondents (they being worthless) I advised him to consent of McFilling and Krell, and allow the matter to be over. —

Having made the arrangement with the Solr of the respondents as above stated, and having called upon Mr Sadlier, and ascertained that no instructions had been given by him in the matter, I have advised

Mr Kerr not to pay the fine but to intimate to the respondents that he is ready to try the appeals in any Court having jurisdiction, and that the matter was allowed to lie over solely on their request. —

Should a Warrant of Commitment be issued as threatened by you, Mr Kerr will take such action as may be unpleasant to some of the parties concerned.

Yours &c

R. R. Waddell

---

Saturday, 26. 1865,

Nov. 18. Proceeded to Rosalington Roach — received a note from Joseph Kerry agt. John Hynes for £3. 5s. 0d, he said he would pay in about ten days — went up the Roach as far as the Wardour Library lower — went out 3½ p.m. came in at 9. p.m. Miles 20. —

Sir

26. Aug.t 1865.

With reference to your letter of the 10th of June, in reply to mine of 16, January last, I have the honor to enclose you herewith two receipts handed to me when I demanded payment. —

First. No: of Lease, No: 183. Names of Lessee Joseph Perry. No: of Station — No: 5, amount paid $20. to 31st of January 1862. —

Second. — No: of Lease, No: 128, Names of Lessee Thomas Armstrong. No: of Station, No: 4, amount paid $20, to 31st of January 1862. —

The Numbers, Names, Stations, amounts and Dates agree in every particular with the return you sent me, which would appear to be indisputable, as well as satisfactory, because given by the late Superintendent of N. Canada.

I Have the Honor to be

Sir

Your Obt Servant

John W Kerr

" F. O.

Hon: Commissioner of Crown Lands Quebec

Sir

31. Aug.t 1865.

I have the honor to report for your information in reference to Alex McPherson, Rich.d Leach, and William Williamson, whose cases were adjourned see my report of 12. instant, that Mr James Cahill Police Magistrate, gave his decision on the 29th instant, by fining each of the above persons twenty dollars and costs, —

He is borne out by a decision given in the English Courts of Law. — —

I Have the Honor &c

John W Kerr

F. O.

Hon: Com. of Crown Lands Quebec

Sir,

31. August 1865.

I have to report for your information that I received a letter from Mess^rs Ward, Hurman and Gray Lessees of the Fisheries Toronto; complaining against a man named named John Morley for trespassing &c. &c.

I have written them how to proceed, and have asked them to send me a summons to appear as a witness otherwise the Magistrate will not allow me my expenses - the fee Bill will just pay Railway fare to and from Toronto to Hamilton.

I Have the Honor &c

John Weld P.O.

Hon Com: of Crown Lands -

Quebec

Sir,

31. Aug^t 1865

I have to report for your information that Mr James Gahile Police Magistrate informed me yesterday evening - That he would no longer delay issuing his Warrant ag^st Benj^n Joyce convicted before him for fishing in Burlington Bay, with a Seine on the night of the 9^th of June last. - I have asked him to defer doing so, until I reported and heard from you on this subject - As you say in your letter to me of the 21^st of June - "You can have "the minimum penalty imposed but do not com= "pel payment until further instructions from this "Branch" -

I Have the Honor &c,

John Weld

P.O.

The Hon Com:

of Crown Lands

Quebec

Monday, 4th Sep 1865.

No 1. Proceeded to Hamilton thence to B. Beach saw Tom Armstrong Wm Hadkins John Laaffe on business went out at 9, am came in 10. P. m — Miles 24 — Horse & buggy. —

Wednesday 6. ~~June~~ Sept 1865.

Proceeded to Toronto to see the fishermen

No. 2. there regarding trespass by John Morley Committed by them. — Met Mr Pat: Gray one of the Lessees near the fish Market. who reported other particulars see my report of to wait. went out at 8. a. m. Came in at 11. P. m — Miles 90 — paid for railway fare $2, — no allowance for dinner nor for going down to the Island —

Sir, 8 Sep: 1865,

I have the honor to send you herewith an abstract taken by me from the Globe news paper, by which it appears that the close season for white fish has been reduced to ten days. — Now my experience and the practicable knowledge of fishermen induces me to report that the entire month of November should be set apart by law and fixed as the close season for white fish — and the entire month of October for the Lake Salmon Trout. —

I Have &c.
John Wkes
P. O

Hon Com of
Crown Lands
Quebec

Saturday - 9. Sep: 1865.

Recd $12, from E. D. Mackay. for Thomas Armstrong on an order for Lame —

Sir

9. Sep 1865.

I have the honor to report for your information that you will find herewith duplicate licenses issued by me to Mess James Waddell and William Padkins as called for by your letter of the 5th instant.

I Have the Honor &c.

John Walker
J. P.

Hon
The Commissioners

Sunday, 10. Sep: 1865.

No: 3. Proceeded to Burlington Beach to see James Waddell. Lac Corey informed me that he made one haul on Sunday 23rd July last – with Ben: Jolds – on return home was informed that shooting was going on in Mr Geo: O. Seconds woods went there and found a number of boys members of his family – they had a double barrell gun – and had been shooting black birds, – cautioned them – and remonstrated with their Grand father, – went out at 10. am. came in at 6. p. m. Miles 26. –

Monday 11th Sep: 1865.

No: 4. Proceeded to B. Beach and served summons on Geo W. Krell, Sam: Fish & Lac: Corey to attend as witnesses at Quarter Sessions, went out at 4. am. Came in at 10. am Miles 18. –

paid each witness $1 – total $3. –

Monday 11th Sep 1865.

No: 5. Proceeded to Bs. Beach and served Lac Corey with a summons to appear as a witness agt Benj Foulds went out 3. p. m. — came in at 10. p. m. Miles 18. —

Tuesday, 12. Sep: 1865. —

No: 6. Proceeded to Court, attended same all the day. — from 10. a.m until 6 p. m — ordered by the S. B. Freeman to get a Horse and buggy to attend to and bring Lac Corey to Hamilton — on tomorrow to attend Court. —

paid Sam Corey. $1,
" Geo W. Kelle " 1. —

Wednesday 13. Sep 1865.

No: 7. proceeded to Court attended same all day from 9½ am until 7. p. m — sent Horse & buggy to B. Beach for witnesses — paid Sam: Corey $1,
" Lac Corey " 1,
Geo W Kelle — " 1.
Sam fish — " 1.

Horse & buggy $2,

Thursday 14. Sep 1865.

(No: 8.) Proceeded to Court, attended the same all day, from 9½. am. until 7. p. m — sent Horse & buggy for witnesses — went out for same at 4½ a.m came to Court at 9. Miles 18, — charge for H & B $2, paid Witnesses. — Sam: Corey $1,
Lac: Corey " 1,
Sam fish — " 1.
Geo W Kelle. " 1,

Friday 15 Sep 1865.

(No: 9.) Proceeded to Court — attended the same from 9. a.m until 2. p. m — the Case was dismissed by a mere quibble — and Freeman was not there to attend to it — and left no one to take his place — paid Lac Corey $1.
Wm Kelle $1. —. Sam fish " 1.
Sam Corey " 1.

Sunday – 17. Sep 1865.

Proceeded to Dundas Marsh – to watch persons who frequent there to shoot on the Sabbath day – had Lieut. Graham with me – went out at 3. a.m came in 3. p.m – Miles 8. – not a shot fired – saw one young man on the Railway wharf fishing, ordered him away. – met another on our return home trawling a spoon bait – noticed him of the consequences. –

18 Sep 1865.

Sir,

I have the honor to report for your information that in the case of Benj^n Foley convicted for fishing on Sunday the 23^rd of July last, and fined $20 and costs and a^t/s which he appealed, came up before Judge Lafie at quarter Sessions on Friday last, when the Conviction was quashed "by a mere quibble", without costs. –

I had the witnesses in attendance but not one of them was examined. –

Mr Sam B Freeman takes no interest in the fishing cases on behalf of the crown I have no confidence in him and never had.

I Have the Hon

John W Ross

J.P.

Hon Com of
Crown Lands
Toronto

Sir,

Hamilton. 7. Sept: 1865

I have the honor to report for your information that I visited Toronto on yesterday when Mr Patk Gray, one of the Lessees of the Fisheries on the Island complained to me that on the previous day he was removing a House his property from the place where it has originally stood on the island for years, to one more suitable for his business; when he was obstructed and prevented from doing so, by John Hanlon, a squatter resident on the said Island under an order from Alderman Vance of the City of Toronto. Mr Gray's men so engaged were assaulted by Hanlon and the Horse Gray had employed at the same was seized by the said Hanlon. - -

On these particulars being communicated to me, I immediately waited on Mr Alderman Vance - who informed me that he as Chairman of the Harbour and Water Committee gave the order complained of which he was empowered to do as the Corporation of the City of Toronto owned the Island. —

I may have mention for your information that since my appt I have always made it my business when visiting the different fishing stations to have always by me - your communication regarding such localities, and having your letter of instructions respecting the Toronto Island in my Satchel I handed it to Mr Vance The clause referred to reads thus! -

which seemed to astonish Mr Alderman Vance who immediately wrote a letter to Hanlon - Copy —

Being on my way to the island I delivered the letter to Hanlon myself.-

Mr John Hanlon is the same person, who applied to lease the whole Island, fishery & and ale. - please refer to a letter written to you on the 30th of January last, in his behalf by John O'Connor Jr.

Hanlon has within the last ten months erected a House on the island, in which he keeps an unlicensed Tavern - and he was recently fined $10. and costs, for selling liquor. - He was appd constable on the island by the Corporation at a salary of $200. a year to keep the peace and order amongst the visitors there. - -

As fishery Overseer, I should under your direction have exclusive right and Control over the same and those people squatting there, who pay taxes to the City of Toronto should be made known that they owe their position to the Govt and the Crown Land department. - and Mr Hanlon for his undue interference and misconduct should be at once served with notice to leave. - -

While I am always ready to obey your instructions in enforcing the fishery act, I may also say that I always feel a greater pride in protecting the fishermen. - and as Mr Gray intends presenting this peace officer for an assault and obstruction, I suppose it is my duty to attend in Mr Gray's behalf if summoned and read your letter of instructions to me of the 10th of June 1865 as above quoted. -

I Have the Honor &c,
John W Kerr
F. O.

Hon: Com of Crown Lands
Québec

Sir

9. Sep: 1865.

Mr James Cantwell, Lessee of fishing station four mile run Niagara complains that he has not yet received $15, half fine imposed by Wm Kerby Esq. J.P., on Benjn Foulds, Daniel McGwynne and John Laaffe, for trespassing on his premises as Lessee. —

Has the money been sent to your department by the Magistrate. —

I Have &c,
John W Kerr
J. P.

Hon: Commissioner,
&c. &c. &c.

Sir

9. Sep: 1865.

Will you be pleased to send me some stationery. —

I Have &c,
John W Kerr
J. P.

Hon Commissioner,
&c. &c. &c.

Sir.

9 Sep: 1865.

I have the honor to report for your information that on wednesday last Mr Joseph Gabriel of Queenston a very worthy man was summoned before John Brown Esq. J. P. by John Wadsworth for an alleged trespass.

These men are both lessees of fishing stations at Queenston Heights. The Magistrate very properly dismissed the case when Wadsworth was adjudged and had to pay $5.50 cts. For a long time back I expected this and so advised Mr Gabriel accordingly. —

Mr Joseph Gabriel came all the way here yesterday at a personal cost of five dollars to report to me these particulars; I must go down there soon. —

I Have &c
John W Kerr
J. P.

Hon Commissioner,
&c. &c. &c.

Sir,

9. Sep: 1865.

I have to acknowledge the receipt of your letter of the 6th instant enclosing me Mrs Baldwin's old License which I sent her through Mr Maynes House and at the same time I communicated to him that it is the intention of Mr Whitcher to come on the premises and examine into the whole particulars of her grievance.

And as I heard some time ago that she was getting a pettition preferring charges against me so as to have me removed I hope Mr Whitcher when he comes along if such a document is in existence that he will please bring it along with him. —

I Have the Honor &c

John W Kerr
P. O.

Hon: Com: of Crown Lands —
Quebec

Sir,

8. Sep: 1865.

I have the honor to report for your information that I was twice arrested on yesterday by a constable acting under a Warrant issued by John Wesley Hopkins the Magistrate whose conduct I have been so repeatedly obliged to bring under your notice. —

I was obliged to pay twenty eight dollars and ninety five cents. —

If I declined to do this the constable would have taken me to Goal. I paid the money under protest, got a receipt for the same on the back of the Warrants, which were given up to me, for the constable knew no better. In the course I shall now take I hope the dep't will not interfere nor Control me. —

I Have the Honor &c

John W Kerr
P. O.

Hon: Commissioner
C. Lands.
Quebec

Sir,

9. Sep: 1865.

I have the honor to state for your information, that the quarter Sessions will commence here on tuesday next, when I have to prosecute Convictions two, appeals two. I have to bring forward witnesses, but what with paying fees which I had no legal right to do, I find it a very difficult matter to carry on the duties of my office, without the sinews of war more especially as after I laid out my own money in carrying on the unavoidable duties of the Department during the last quarter — a large amount of it was disallowed. —

I will therefore thank you to let me have some money to meet emergencies of such a nature as above set forth by me. —

Hon Com of Crown Lands Quebec

I Have the Honor &c,
John W Kerr
J. P.

Tuesday — 19th of Sep: 1865.

(No. 11.) Proceeded to Burlington Beach, and attended a Meeting of the fishermen held at John Hynes — went out at 1 p. m., came in at 9 p. m — went as far as the Canal — saw the two wrecks there — received an order from James Maddale for $4. on Mr Charles Lee to apply when got on his Lease, — Miles 20. — Charge $2. —

Sir, 26. Sep 1865.

I have the honor to enclose you herewith copy of letters I received from Messrs John Wadsworth and Joseph Gabriel of Queenston on the Niagara River —

It appears to me from the beginning that Mr John Wadsworth wishes to have everything his own way in connection with the fishing stations at Queenston — I have therefore much pleasure in submitting those letters for your perusal — and beg to refer you also to my letters of the 9th inst on this subject. —

If the Amended fishery Act is now in force — please send me some copies of it, and be so good as to instruct me how I am to proceed in this case.

I Have the Honor &c
John W Kerr
J. P.

Hon Commissioner
Crown Lands
Quebec

Sir, 27. Sep 1865.

I have the honor to apply to you for blank forms for quarter ending 30 September —

I Have the Honor &c
John W Kerr
J. P.

Hon Commissioner
Crown Lands
Quebec

Dear Sir — I received your letter complaining of Mr Joseph Gabriel trespassing on your premises at Queenston — and have forwarded a copy of the same to the department at Quebec — as soon as I receive a reply from there I will immediately come down and enquire into what you complain of, but until then please abstain from and avoid all further action in the matter.

I am Yrs respectfully
John W Kerr

Mr John Wadsworth,
Queenston, —

Sir, 28 Sep 1865.

I have the honor to acknowledge the receipt of $50, being for half years salary ending 31st day of December 1865.

I Have the Honor &c
John Ker
P. O.

Hon Commissioner
of Crown Lands
Quebec. —

---

Sir, 28. Sep 1865.

I have the honor to acknowledge the receipt for the use of my office of the following stationery, to wit,

Six half quires of foolscap paper —
Fourteen sheets of blotting paper
Two pencils — Six swan quills
Two pen holders and with several steel pens — and forty envelopes

Hon Commissioner
of Crown Lands
Quebec —

I Have the Hon
John Ker
P. O.

---

Thursday 28, Sep: 1865.

(No. 12.) Proceeded to Dundas to see Mr Robertson respecting the points of law &c. argued by him at the last quarter Sessions in the connection of Benjamin Folds — fined $20. for fishing on Sunday. — Met Mr Robertson on his way to Hamilton — who will send me the particulars in a letter — went out at 6. AM Came in at 3 PM Miles 16 —

Received official cheque No 436, for $50 dollars Salary 1/2 year ending 31, December 1865,

John W Kerr
J. O

Saturday. 30. Sep: 1865.

No: 12

Proceeded to Burlington Beach, made enquiry relative to the fishermen, setting gill nets in the Government Reserve – heard they would commence this week coming in – went out at 4. p. m came in at 10½ p. m. Miles 18. – Horse & buggy $2. –

Sir

2d October 1865

I have the honor to receive your letter of the 23rd ults, in reply to mine of the 18th reporting briefly the result of "a suit against Benjamin Foulds for fishing "on Sunday, appeal was held and Conviction quashed "on what you term a mere quibble &c, &c".

In the decision given by Judge Logie in a case of such vast importance as I deem and consider this to be; I have to acknowledge that it was my intention to report all the particulars for the information of your department, but your letter coming as it does reminds me of my negligence; I have therefore to apologize for delaying to do so, until this present time. – –

In compliance with your letter of the 1st of August last, containing instructions to me to do so, I proceeded agt Benjn Foulds for fishing on Sunday the 23rd of July last, he was fined $20, and Costs, against which he appealed. – –

In order to be in a position to support this Conviction, I applied to Mr Sam B: Freeman, County Atty and Clerk of the Peace, on the 9th of September ("when I engaged him in this case") for summonses for my witnesses whose evidence agt Benjamin Foulds was conclusive, the price of this summons

original herewith 50¢ and except the date and the names of the witnesses is in Mr. S. B. Freeman's own hand writing. —

The Quarter Session commenced on the 12th Sept; but the case did not come up until the 15th or the last day of the Session. — —

On the Wed. of Thursday the 14th just before the Court adjourned, I urged Mr. S. B. Freeman as I had previously done, several times during the Session, to bring on the case, the judge did not grant the application. — Mr. S. B. Freeman then said he could not attend Court the next day, but I understood at the same time that Mr. Wm. Craigie his partner would attend Court for him. — Mr. Freeman then handed Mr. Ghent the Clerk of the Court, the conviction, which he had in his possession, he having received it from me on the 9th of Sept. "Copy herewith".

On the 15th of Sept., when the case was called you may judge of my surprise when Mr. Wm. Craigie who was then in Court declined to have any thing to say in the case; and it was only then without any previous arrangement that I was compelled from those circumstances and applied to Mr. Thos: Robertson late County Atty. to prosecute the Conviction, and all particulars you require, you will now please find in his letter to me. Copy herewith. — I have endeavoured to discharge my duty to the department in this case faithfully, having undergone much expense in paying witnesses &c, under Mr. Freeman's instructions, but am mortified to find the case dismissed on the mere flimsy pretext or quibble that the Conviction should have set forth that Benjamin Foulds was not an Indian. —

I Have &c &c.

John W. Keys

J. P.

Hon Commissioner

Sir,

3. Oct 1865.

On yesterday, I had the honor to report all the particulars connected with the Case of Mr Benjn Foulds for fishing on Sunday the 23rd of July last, as disposed of by Judge Logie, at the Quarter Sessions held here on the 15th of Sept. last.

I have now the honor to report that on last Sunday the 1st of October inst, Benjamin Foulds, of Burlington Beach, James Hallyn and Joe Logie of the City of Hamilton, did go out to fish and did fish and catch a quantity of herring in contravention of the statute; and Mr A. le Geidly ex-Alderman and Edward McMahon, "James Ruper" of the City of Hamilton, did then and there purchase a quantity of the said fish. —

I have applied for summonses and the Case of those persons will come up on monday next. —

Shall I proceed against Hallyn and Logie under the 4th Clause of the New act. — thus!

"And to prohibit fishing except under "leases and Licenses"? —

I Have the Honor &c
John Walker
J. P.

Hon.ble
The Commissioner
&c &c &c.,

My dear Sir,

27. Sep. 1865.

I have received your letter of the 25th instant. I am sorry to find that the John Madison still continues to annoy you — he may be playing at an expensive game. —

I have written to Quebec and sent a copy of your letter there — and when I get an answer to my communication will immediately come down and see you and arrange the difficulties you complain of —

I am Yrs Respectfully
John Walker

Mr Joseph Gabriel,

Thursday - October 5th 1865.

Proceeded to Burlington Beach put up a Notice to warn people agt. fishing on the Government Reserve &c. went out at 9. o'clock a.m. came in at 8 p.m. Miles 20. - Heard that Dallyn got the greatest part of the fish caught on Sunday in Benjn. holes net also heard that Joe Lager was the principal person engaged fishing - that A. C. Trimble bought some of the fish - and that Ed. McMahon - also got some of them there was another person or two whose names were unknown. —

Sir —

7. October 1865.

I have the honor to state for your information that complaint (verbal) was made to me that persons are fishing herring gill nets on leased property at Burlington Beach - who have no licence nor lease for doing so - can persons fish as herein described with the sanction of the Lessee of a fishing station - ~~fish for~~ and Catch herring - ~~xx~~ what is the New Law on this subject. - Please answer.

I am Sir
Your obt. Servant.
John Wiley,
J. P.

Hon: Commissioner
of Crown Lands -
Quebec.

Sir —

7. Oct. 1865.

I have the honor to state for your information that Mrs Anne Shabenal B.B. paid $6, for her fishing station No: 17, on the 17. June last - but to the present time has only taken a very few herring. —

No: 20. 21. and 22, fishing stations North of the Burlington Canal are at present vacant - she has applied to me to be permitted to set herring gill nets there - May I grant her the permission without further charge —

Your obt Serv.

Hon Com Crown Lands —

~~Lib.~~ )

7th Oct, 1865.

Messrs Ward, Durnan and Gray. —

Hamilton

30, of Aug.t, 1865.

Gentlemen, — I have just received your letter of the 29th, instant, complaining to me, that a person named John Morley has trespassed on your fishing station at Toronto, and did fish with nets, and catch fish without your permission as the Lessees. — —

You will please go immediately before Mr Boomer your Worthy Police Magistrate and complain "That John Morley did fish and take fish for the "purposes of trade, within the limits covered by your "lease from the Crown without any written "permission from you as the Lessees"?

By law No: 4, of the Fishery Act is applicable to the case, Mr Boomer is familiar with the law in the case and will give a summons to bring John Morley before him —

By Section 41, There shall not be less than three days between the service and the return of the Summons to any defendant for the first five leagues &c. &c. —

Now what you should do is, get your summons for John Morley, and serve him to appear before Mr Boomer some day early next week, get a Supoena or witness summons for me at the same time to appear as a witness and send it up to me by mail &c. and I will appear and I will prove that you are the Lessees, and then you may rely upon it, Mr Boomer will do his duty. — I met Mr Boomer at Niagara on the 8th of May last, when he was instrumental in having three men fined $10, each and costs, for a like offence, he will remember all about it, when you produce to him this letter, which you may on making your complaint to him —

John W Kerr

Sir

7. October 1865.

I have the honor to report for your information, that it now appears by a return made to Samuel B. Freeman, Clerk of the Peace by John Wesley Hopkins Esq.re J. P. — that James Ward the Captain of the schooner anchored in the fishing station of Mr. Thomas Armstrong, on the 9th. of August last was convicted on view: — please refer and find a copy of my report herewith of 10. of Augt. last. —

I was in Mr. Freeman's office, on the 9th Sep last, when Mr Hopkins came there with his return of Convictions and amongst the names was that of James Ward. —

Mr Armstrong complained agt. Ward under the 8th Section of the old act — and he was fined ten dollars and costs. — Now it appears that under the 45 section of the old act, one moiety of the pecuniary fines, shall belong to Her Majesty and the other moiety to the Complainant. —

Previous to meeting Mr. Hopkins on the 9th. of Septr. last, I had met Mr Armstrong who gave me an order on Mr. Thomas D. McKay for twelve dollars — which he paid me being the amount agreed upon between himself and Armstrong as regarded James Ward, Captain of the Schooner. —

I was prepared to apply ten dollars towards Mr. Armstrong's lease for the current year, and remit the amount to you until I found Hopkins had made

a Conviction in the Case – Made a Conviction after he had agreed to an arrangement solely so as to be able to claim his own costs.

Hopkins this day, told me he intended the money to be Armstrongs, and he urged me to allowed it all to him, I pointed out the law to him, as to its appropriation under his Conviction.

Mr Thomas Armstrong states there was no Conviction – that an agreement was made between himself and Mr McKay and that 1½ was allowed him for Compensation. –

I submit the matter as it is, for your adjudication and final decision, but until then I shall retain the money by me,

Hon Comptroller

I Have &c
John W Kerr
J. P.

Sir,

9. October 1865.

I have the honor to report for your information that Duffin Creek, situated about 20 miles east of Toronto, it is near Bowmanville - abounds with salmon for about three miles from the Lake to the Kingston Road and should be carefully watched and preserved both by day and night from this time forward until about the 20th of November next. - Last fall during the spawning season two men caught in one night spearing, ~~one~~ hundred salmon - several of them weighing 28 and 30 pounds, and none of them under 20 pounds weight. —

I Have the Honor to be,
Sir,
Your Obt Servant.
John W. Kerr.
P. O.

The Hon.ble
The Commissioner,
&c. &c. &c.

Sir

9. Oct 1865.

I have the honor to report for your information, that it will be necessary to have a watch placed on the Humber and twelve mile creek rivers, so as to preserve the salmon during the spawning season which will commence about the middle of this month, and end about the 20, of November next. -

The wet and stormy nights are the best and surest times to watch those rivers. I would like to hear Mr Whitehey's views on this subject, and as I am determined to go down and spend some nights there, would like to receive your instructions to qualify under the New fishery Act. —

I Have the Honor &c &c
John W Kerr
P. O.

Hon. Commissioner
&c. &c. &c.

Sir, 9. Oct 1865.

I Have the honor to report for your information that on this day Joseph Lagar was fined five dollars and costs, for fishing on Sunday the 1st inst, and which amount he immediately paid. --

The Case agt Wm. Foulds and James Dallyn was adjourned until wednesday next, but I am satisfied that the Case agt them will fall to the ground, as I cannot produce the person who gave me the private information. —

Upon the evidence given to-day by a man named Edward McMahon, I have summoned up Patrick and John Hemesfey for fishing with Joseph Lagar on the 1st instant. —

I Have the Honor &c

John W Kerr
J. O

Hon: Commissioner

P.S. — Lagar is married to Mrs Foulds daughter. —

Sir, 9th Oct: 1865.

I have to report for your information that on yesterday (Sunday) several of the fishermen were obliged to go out and lift their gill nets to save them from utter destruction, a fierce storm being raging and getting up at the time.

Under your approval I do not wish to proceed agt any fisherman who from necessity was compelled to lift his nets, and thus save them from impending ruin. —

Mrs Joan Baldy lost 100 yards of her gill net. Was the Course I mean to pursue meet your approbation —

Hon: Commissioner I Have the Honor
&c. &c. &c.

J W Kerr J.O

Monday, - 9. Oct 1865.

Proceeded to Hamilton and attended before James Cahill to prosecute, as per Report to Hon Commissioner of Crown Lands, - thence home and to Burlington Beach, - to make enquiry respecting evidence ag^st Benj^n Foulds - and James Dallyn -

Mrs Fish told me privately that Mrs Gardiner told herself and husband that morning at the breakfast table - that Mrs Fred: Corey - stated in her own House to him - that they would serve John W Kerr, this winter in the same way that they did Abraham Lincoln, - went out at 8. Am, came in at 9½ P.m Miles 24

on the 30th Sep^r Saturday

Sir

13. Oct, 1865.

I have the honor to enclose you my return &c, Benj^n

For month of July 8 days
" " " Aug^st 7½ "
" " Sep^r 13 "

Total 28½

In bringing up the case ag^st Benjamin Foulds, "before the Magistrate", I paid three witnesses 50¢ each, for attending Court I made no charge for attending myself. -

In bringing the witnesses forward again before the Quarter Session - I paid four witnesses four dollars each; that is a dollar a day for 4 days = $16. - I also charged for myself. - Under Mr Sam^l B. Freeman's direction I had a horse and buggy to take Lac Corey a lame man to Court, 3 days at $1.50 each day = $4.50¢. A dollar to Constable Graham and Seven Cents postage, and my charges for the quarter ending 30, of September last, are complete. - -

I may however here state that there are a great many things, I do, during the quarter, which I note down in my diary and have not charged in this, nor any previous quarter. I hope this a/c will be found satisfactory. —

Hon Commissioner
&c. &c. &c.

I Have &c
John W Kerr
J. O —

| July | | | | August | | | |
|---|---|---|---|---|---|---|---|
| 1 | 24 | 1 | | 4 | 30 | 1 | |
| 5 | 24 | 1 | | 5 | 20 | 1 | |
| 26 | 20 | 1 | | 7 | 20 | 1 | |
| 27 | 24 | 1 | | 8 | 20 | 1 | |
| 28 | 16 | 1 | | 12 | ~~½~~ | ½ | |
| 29 | 20 | 1 | | 15 | 20 | 1 | |
| 30 | 20 | 1 | | 16 | 20 | 1 | |
| 31 | 24 | 1 | | 26 | 20 | 1 | |
| miles 172 | 8 days | | | miles 150 | 7½ days | | |

| September | | | |
|---|---|---|---|
| 4 | 24 | 1 | |
| 6 | 90 | 1 | |
| 10 | 26 | 1 | |
| 11 | 18 | 1 | |
| 11 | 18 | 1 | |
| 12 | — | 1 | |
| 13 | — | 1 | |
| 14 | — | 1 | |
| 15 | — | 1 | |
| 17 | 8 | 1 | |
| 19 | 20 | 1 | |
| 28 | 16 | 1 | |
| 30 | 18 | 1 | |
| miles 238 | 13 days | | |

Oct. Thursday —
12 all day — engaged making copies of my diary. —
John W Kerr
J. O —

Sir,

14. Oct: 1865.

I have the honor to report for your information that on last night about eleven o'clock, p.m. I found John Bambridge Jr. of Lancaster and Edward Dalton of the City of Hamilton, at the range of the Dundas Marsh with 8 pike and two sun fish in their possession together with a spear and torch light - They had been out spearing and I first observed them or the light about 9 o'clock, p.m, and after a long and intricate march of about four hours I pounced upon them just as they landed. - A Constable accompanied me. - I had private information, and so was prepared for them, on the night before they were out and caught twenty five pike and black bass - and Mr John Bambridge Jr. told my informant if he came across me he would shoot me - I of course care very little for such foolish threats - I never carry fire arms for my personal protection - a stick in my hand is quite sufficient. -

What shall I charge those two men with? - the clause agt spearing is not very clear as regards pike

I Have the Honor
&c
John W Kerr
J. P.

Hon Commissr
C. Lands.

13. Oct 1865,

Jes Harris, gave me private information to day that John Bamberger of Lancaster had speared, pike bleak bass and herring - he also informed me that Bamberger stated to him - he would shoot John W Kerr as old Kerr as he termed him - if he got the chance - and Jes further said that if I watched the flaesh - tonight I would Catch some person spearing, - acting on his information I succeeded in detecting young John & E Dalton as already reported upon.

John W Kerr
14, Oct: 1865.

Friday 13 Oct 1865.

Proceeded to Burlington Heights observed a torch light in flash - went from thence around until I reached Sam Forsyths boat House in Ancaster where I found John Bamburger, Jr and Ed: Datton just as they came in - Bamburger had seven pike one sucker two small sun fish and a Cat fish - caught by means of a spear and said light - went out at 6. p.m. Came in at 2. A.M. - miles about 20 - about ten from Hamilton - Constable Devine was with me - Singed the spear fish and light Jack - for other particulars see my report. -

Important. 13, Oct 1865.

Sir, I have the honor to enclose you the copy of a letter I mailed you at Ottawa on the 9th instant, it is important that this River should have a careful eye over it, and if you say so I will run down and report to you how the land lies. -

Duffins Creek is in the Cameron jurisdiction he may be known in this neighbourhood - while I might be able to pass myself off as an old Ry employee and thus cause no suspicion. -

Let me hear if you please if this meets your approval. -

I Have &c.
John Wker
F. O.

Hon Commissioner,
&. &. &.

My dear Sir - 16. Oct. 1865

I send you herewith a Notice, which you will be pleased to post up for me in a conspicuous place - Have you received a copy of the New fishery Act, -

Yours Sincerely
John Wker
F. O.

Mr Jas: Cantwell,
&. &. &.

Sunday 14. Oct 1865

Proceeded to the Beach, and along the same to Burlington Canal – it was quite stormy and no nets were set out nor no fishermen stirring about – Heard Mr Baldey fished every other day for herrings with her net – also heard that 300 hundred yards of her herring gill net was lost, and that Fred Cory lost all his herring gill net, – Robt Hale lost his but found it again – went out at 4. a.m came in at 9. a.m Miles 20. Horse & buggy. –

Heard a shot fired this afternoon at or about the Dundas Marsh. – it was about 3. o'clock p.m. –

My dear Sir, 16. Oct. 65.

Will you be pleased to post up for me in some conspicuous place, the enclosed Notice Write and let me know how every thing goes on in connection with your Island Fishery – Have you received copies of the New fishery Act,

Yrs respectfully
John W Kerr
F. O

Mr Pat Gray
Toronto,

16. Oct 65

Mr John Wadsworth
Queenston

Dr Sir, I have just received your note I will be in Queenston in a few days and will bring down the Deed and papers you interested to my care – They are perfectly safe in my possession – Will you be so good as to post up in some conspicuous place in your old town the enclosed notice – Have you rec'd a copy of the New fishery Act, I hope all the trouble between yourself and Mr Gabriel has been amicably adjusted –

Yrs Respectfully
John W Kerr F. O

Sir, 13. Oct 1865.

I had the honor to acknowledge the receipt of your letter of the 30th ultto. with six copies of the New fishing Act, Also to day, your two letters of the 9th inst. drawing my attention in the first place to the prevention of fishing and shooting on Sunday - and secondly general Notice directing attention to the provisions of the New fishing Act, and which shall be disposed of as you have directed,

I Have &c
John W Kerr
J. P.

Hon: Commissioner.

Sir, 13. Oct. 1865.

With reference to the Oath of office alluded to, in your letter of the 30, ultto, of course I do not mean to take that oath until you instruct me to do so, but according to the New fishing Act, it would appear to me to be the first step an officer should take before carrying out and enforcing this Law. -

However oath or no oath I mean to do my duty, and having no favorites, I can do it the more effectually. - I shall make a commencement before many days elapse. -

I hope Mr Whitehu will be soon here as under this "new law" there is many things I wish to consult him about,

I Have the Honor
&c
John W Kerr
J. P.

Hon: Commissioner,
&c. &c. &c.

Sunday. 15. Oct 1865.

Proceeded to Burlington Beach, to see if the fishermen were again fishing went out 4. am. came in at 10 am Miles 20. No person was so engaged. —

Sir, 17. Oct 1865

I have the honor to refer to a communication made by me to you the 9th of Sep. last relative to the island fisheries at Toronto,

I have now the honor to apply to you in behalf of Mr Pat Gray, one of the Lessees of the fisheries there, who arrived here this afternoon, and applied to me for a Lease of ten Acres of land on the island for a term of nine years which application (verbally) made by him I submit for your consideration, he has stated to me that he has commenced to build a house there, and is desirous of to know if he may go on with its erection pending the terms and Completion of Lease, a prompt reply is respectfully solicited.

I Have &c
John Wilkes
M. C.

Hon Com

Wrote private note to W.F. Whitcher Esq.

Friday – 20th Oct 1865.

proceeded to Bs. Beach, posted up Notices regarding the New fishery Act – Joe Perry applied to rent place in front of his House saw John Haynes and Aaron Fletcher respecting their nets went out at at 8 a.m came in at 8. P.m – Miles 16. –

private. John F – told me Dan: McFayne and Ben folds were to fish the Bay for Herring very shortly. –

Thursday 26 Oct: 1865.

proceeded by Railway to Port Credit, thence walked up to Springfield on the Dundas sheet. made enquiry respecting Salmon "if any come to the Credit to spawn", Mr Taylor the Hotel Keeper said there were none that they were prevented or stopped below Quebec head from another man that about five years ago the Waterhouses of Cooksville caught a very large one in a drawn net but that it escaped and jumped out again and so escaped. –

Came back again to the Port – talked with one of the look out party there who informed me that they had box traps set in the River with which they caught fish – and they some time ago used light at night spearing – posted three Notices at the Credit and one at Springfield. – Heard from Mr Macfarlane that lights are frequently used at night and in spring nets for taking pike &c. &c. –

Also heard that the Oil refinery at Port Credit is very destructive to the fish – from the poisonous effect of its acids and dilitarious properties the look out promised to post me on illegal fishing there went out at 7. a.m came in at 9½ p.m – Miles about 68. Railroad fare to and from 1.60. dinner 25¢ other refreshments 25¢

(No. 2)

Sunday – 29. Oct – 1865.

Proceeded to the Cobourg Dupeow property on the Bay – to watch person, reported to me to be there on Sunday shooting – Isaac Pryor was with me – went out at 5. Am came in at 10. miles 8. – Went from thence to Dundas Marsh and took Constable John Devine with me – went out at 1. p.m. came in at ½ past 10. Am. – heard one shot fired in the neighbourhood of the wharf Macnab st. went around to the valley Inn – saw McNair there, and thought it strange as he had promised to meet me at Stuart street Police station – McNair stated that he could not come as his boat was down at the Beach – rather suspicious of McNair – up the Marsh and into the River from the Canal came down the river a long distance – tried to work the boat through, failed and to put back again and come into the Canal heard two shots fired in the direction of Ancaster incidently at dusk – as at the time the ducks were on the flight – but no shot fired in the Marsh – Miles 20. – tired and fatigued. –

Tuesday – 31. Oct 1865.

No. 3. Proceeded to Burlington Bay – thence along the said Bay to the Beach – Podkin, Fletcher and Daniel McDonne were fishing – Podkin net stuck several times in the Mud – he placed his herring net outside to prevent the fish escaping he told me of it – and he then raised his his net out of the mud – Fletcher's net also stuck in the mud he did not use any precaution and when he hauled in he had no fish –

Found two rat traps set with a female muskrat in one – Same bring Corrigan to law went out at ½ 9 Am came in at 9. P.m. Miles 18 –

Friday – 3rd Nov 1865.

Proceeded to Burlington Beach, and warned Fletcher, Dynes, Podkins, Perry, and John Laaffe to pay up their rents. – remained until Podkins hauled in his net. – bought 50# worth of white fish from him. – Heard about preparation to fish the Bay for herring – also that the gill nets of J Laaffe were robbed of fish – herring – went out at 1. p.m – came in at 11. p.m – Miles 20. – H Hughes.

Sat: 4 Nov 1865.

Proceeded to B. Beach – received ~~four~~ (5) from John Dynes for Joe Perry – five dollars from Aaron Fletcher – and three dollars from John Laaffe on acct of their fishing Lease – went out at 1. a.m. came in at 6 p.m – Miles 16. – H Hughes. –

6th November 1865

Paid 5% discount to get Bills 15 in Bills for 15 Silver to get Cheque for Quebec

I W Kerr

Sir, 6 November 1865.

I have the honor to enclose you herewith draft No: 7. on the Bank of Montreal at Ottawa, for the sum of Seventeen dollars - to be applied as follows;

1. James Maddell, four dollars,
2. Joseph Perry. - five dollars. -
3. Aaron Fletcher, five dollars. -
4. John Taaffe, - three dollars. -

These amounts will be applied on their Leases for the Current year. -

Mess's Perry, Fletcher and Taaffe Leases (Copies) you will please find herewith. -

It is so long since I heard from the seat of Govt, that I will feel pleased when I get an acknowledgement of the above amount. -

I Have &c
John W Kerr
P. O.

Hon^ble
Commissioner
&c. &c. &c. -
Ottawa,

Tuesday 7th Nov.

(No. 3) Proceeded to B. Beach, remained there all day. John Taaffe gave me information that vengeance was sworn at me by the people up the Beach, Benj: Folds, Dan McGuyre and even the Dutchman - and they would all fish the Bay near the Wigwadin, Canal - the first time they fish came in there (herring) and would be all armed, went out at 7 a.m. came in at 6½ p.m. Miles 20.

Wednesday - 8

(No. 4) Proceeded to Gaspole, point, reconnoitered no one there, Davies and Logan with me, went out at 5 p.m. came in at 1. a.m. - Had a float from Boatman Miles 12 -

Thursday 9th Nov: 1865. —

No: 5. Proceeded to Burlington Beach and Saltfleet: to make enquiry about the robbing of Nets. — went out at 9. a.m. came in at 8. p.m. — Miles 28. —

Saturday 11. Nov 1865. —

No: 6. proceeded to the Beach, — to make enquiry relative to Lights seen along the Flamboro shore. — ascertained from James Waddell that he saw seven lights along there, — nearly up to Brown's wharf, — John Dynes no money yet. —

Sam Fish — informed me that one of the Hensfay who fished — had or was blind of an eye — went out at 4½ p.m. came in at 11. a.m. — Miles 28. —

Thursday 16th Nov: 1865. —

No: 7. proceeded to Burlington Beach, — and received five dollars from A Fletcher balance of his rent for Current year — was at Sam Cooey's demanded his rent — also John Dynes — saw Joe Perry enquired for Jack Laffe — he was not in — went out at 5 p.m. — Came in at 12 m.n. Miles 18 — Horse

Sat: 18. Nov: 1865.

No: 8. Proceeded to Burlington Heights and Carrolls point, went out at 5. p.m. came in at 2. a.m. miles 15. Boat. — Detective Harris and Constable Irvine with me — remained at Carrolls point and on the Heights for about 3 Hours — Harris left said he would be back immediately — did not see him afterwards —

J. W. Sinclair — gave information today that Dan: McGoyne, jumped on Sunday 29. Oct last at B Beach — saw him for about 25 minutes engaged taking the pikes out

of the net — while another man rowed the boat this man he did not know Bow; Foley was present and so was David Irving — Complained imme=diately to Mr Cahill — who issued summonses for Monday Morning — McCharg to serve them. — Mr Sinclair pointed out "Mr Coyne to me in the fish Market — and told me he would fine=secute —

Nov. 9. Monday 20. Nov: 1865.

Proceeded to Hamilton, attended Court before James Cahill Esqr evidence of J. W. Sinclair and David Irving heard — Case adjourned until 24 inst. went out at 8. am came in at 3 p.m Mls 8.

Nov. 10. Tuesday 21. Nov; 1865.

Proceeded to Toronto, and seized nine white fish see report as under — went out at 6. am. Came in at 6. p.m — Miles 88 — the following particulars. —

Sir, 21, Nov 1865.

I have the honor to report for your information that I seized Nine White fish this morning which I found in the possession of Mich Doyle and Mich Leonard in the Fish Market. Toronto. The Case will be adjudicated on before Mr Boomer police magistrate there on Saturday next. —

I Have &c
John Wkers F.O.

Hon: Commissioner

Sir 21. Nov: 1865.

I have the honor to state for your information that on the 13. Oct: last I sent forward my return of expenditure for quarter ending 30 of Sept: last, to which I most respectfully beg to draw your attention. — —

The department will be benefitted by sending me the amount of disbursement, as I will be enabled to visit places where contraventions of the Act are being committed. —

I Have &c.
John W Kerr
F. O.

Hon: Com:
Crown Lands
Quebec

---

21. Nov: 1865.

Sir, I have the honor to report that at the present time three boats with gill nets (boats well man'd) are engaged catching white fish on the spawning grounds in Lake Ontario near Port Union, Sixteen miles east of Toronto on the Grand Trunk Ry

The persons employed as above have no Leave for fishing and if within my jurisdiction, I would seize nets boats fish and all at once. —

I Have &c
John W Kerr
F. O.

Hon Comptroller

~~Saturday~~

No. 10. Thursday. 23. November 1865.
proceeded to Burlington Beach, and went over the fisheries with Mr. W. F. Whitehead, who arrived the day before to inspect the same. — Mr Whitehead inspected Mr Baldwin's grievances he decided to leave stations No 18, and 19, as they originally were, adding in the reserve — Mr W. enquired into a great many other things — went out at 9. a.m came in at 5 p.m. Miles 20. —

No. 11. Saturday 25. Nov 1865.
proceeded to Toronto, and prosecuted Michael Doyle and Mich.l Leonard for having nine white fish in their possession on the 21st instant in the Market at Toronto. — went out at 5. a.m returned home at 4. p.m. — Miles 80 — they were each fined $3. and costs which they at once paid. — the fish were forfeited. —

Saturday Night. —

No. 12. proceeded to Burlington Bay accompanied by Constable McGhair — Graham and Dinnie — and seized two Nets — containing about 600 herring the Parties who owned the boats escaped — went out at 6. p.m. came in at 5 a.m — Miles 10 — left the fish at the Police Station James Street. —

No. 13. Sunday 26 — Nov 1865.
proceeded to Burlington Beach — heard that Elijah Corey — owned the small net found the previous night — and Benj.n found the large one — also heard that Jacob Hall was to put out his Net in the Bay (Sunday night) went out at 12. noon came in at 8. p.m. Miles 16. —

No: 14, & 15.

Monday – 27th Nov

Sunday Night – 26. Nov 1865. and proceeded into the Bay – accompanied by Const Divine Nat. Duncan and Constable Logan, went on to the Beach at Fletcher – while Logan and Duncan remained on the point – Divine and myself continued to watch Jacob Krell's house – about 5. a.m. he came out accompanied by his brother Jasper Krell – they proceeded in the direction of the Bay and continuing still to watch – observed a Boat with two men therein on the Bay approaching to where I was – remained still concealed until the boat was pulled up saw Jacob Krell and his brother come therefrom the latter with (as I observed) nothing in his possession while Jacob carried a basket containing a net and form fish – called on them to stand, – and delivered up the net and fish – they run away fired a shot to alarm Divine and Const Logan – Divine being on the alert arrested Jasper Krell Jacob escaped for the time being – brought Jasper before Mr James Cahill – Case adjourned until Tuesday – went out at 9. p.m. came in at 9. p.m. on Monday Nig – Miles about 30. –

The next contained a splendid pike, and two large herrings. One of which weighed 2 – 2 – and the other 1 – 2 lbs – and

Tuesday. 28 – Nov: 1865. –

No: 16. Proceeded to Hamilton, to attend before James Cahill Esqre. J. P. Jasper Krell was fined $5 and costs – had summonses issued for Jacob Krell went out at 8. a.m. came in at 4. p.m. Miles 10. –

Tuesday Night 28 Nov:

No: 17. Proceeded on the Bay, accompanied by Mr Bastean found a net in the old Canoe with a few herring therein, went out at at 6. a.m. Came in at 2. a.m. – Miles 16. Set net near Canoe's point –

No. 18. Wednesday - 29 - Nov: 1865.

Proceeded to Hamilton, prosecuted Jacob Krale, for fishing in Bay on the 27. instant he was fined $20 and costs - also reported the seizure of net to James Cahile Esq. went out at 8. A.M. came in at 4. P.M. - Miles 9.

Jacob Krale cleared out before the trial commenced - John Graffe, Alex Rolla and Constt Brown attended with me as witnesses.

No. 19. Monday 27. Nov 1865.

Dan: McGwyne trial adjourned until this day fortnight.

Thursday 30th Nov 1865 -

No 20. proceeded to Hamilton remained in Ambush near the Railway and wharfs watching the trespassers - no person appearing returned home - went out at 4. P.M. - came in at 12 M - N - took home net seizes on Tuesday night. -

Friday 1st Dec: 1865.

No. 21. Proceeded to Hamilton, ascertained that very little herring were being caught - hence thence to Gages inlet, from thence through Seconds, - Campbells, - Harris inlets - landed at Ketchey ascertained that George W. Krall had taken away the seine I seized with his father and which was forfeited - from thence up the Bay, crossed over the canal up towards Hilmany - thence to Brown wharf along the Bay to Carroll point - and up towards the Canal Valley Inn - went out at 5 P.M came in at 8 A.M - Miles 30, dragged all the way caught no nets - Patrick Finnegan and George Prior rowed for me - to pay their board $1 -

Sir, 25, Nov 1865.

I have the honor to report for your information that I attended before Mr Boomer the Police Magistrate City of Toronto today; prosecuted and convicted Michael Doyle and Mich Leonard for having White fish in their possession exposed for sale on the 21st instant, in the fish Market Toronto contrary to the statute. —

They were fined three dollars each and costs, and the fish "nine in number" were forfeited, and given to the House of Industry.

I Have &c &c. —

John Weir P.C.

Hon Commissioner.

Sir, 27, Nov 1865.

I have the honor to report for your information that on Saturday night after my return from Toronto I proceeded to Burlington Bay, near the G. W. Ry depot, where I captured two herring nets. —

One of them contained about 750 herring the other net 54 herring — Benjamin Foulds of Burlington Beach owned one of the nets, and Elisha Loney of the same place the other one. Foulds and Loney made good their escape but I seized the nets and forfeited them. I had three Constables with me, and had two of them, in a boat by themselves been more on the alert, they could have captured Benjn Foulds and his hardy crew of three men. —

I Have &c,

John Weir
P. C.

Hon. Commissioner

Sir, 27. Nov 1865.

I have the honor to report for your information that on the Burlington Beach - this morning at half past six o'clock, A.M., being in ambush, I had captured Jasper Krell whom I ~~prosecuted~~ apprehended upon accompanied by his brother Jacob Krell of Burlington Beach, just as they landed with their boat and net containing four fish - from Burlington Bay - Jasper was fined five dollars and costs which he paid the boat and net was forfeited.

The fish were a pike "about ten pounds" a sucker - two herring, commonly called by several persons a white fish, and a herring - one of them weighed 2.. 2 oz, and the other 1½ lbs, they were caught in a pike net. -

The largest I have given to a person to have prosecuted and sent down to the Whitehead.

I have &c

Hon: Commissioner

John W Kerr
J. P.

Sir, 29. Nov 1865.

I have the honor to report for your information that on the day Jacob Krell of Burlington Beach was fined $20 and costs; or one month in Jail for fishing with a net in the Bay on the morning of the 27th instant. -

He appeared in Court, before the trial was called, but when the case came up, he was no where to be found. -

I was informed the day after I caught him, he borrowed a double barrell gun - paraded the Beach, vowing vengeance, and using threats agt. me, and blowed up the day by breaking the gun in (Smithereens) small pieces.

I Have &c.

Hon: Commissioner

John W Kerr J. P.

Sir — 29. Nov 1865. —

I have the honor to report for your information that on last night I seized a ~~new~~ ~~your~~ herring gill net about two hundred yards long, near Barrels point, where it was set in Burlington Bay. —

It was only a short time in the water having only about fifty herring therein, I rowed over it, and caught it with a simple grapple made of a rifle hole, and the top branch of a small pine tree they!

The owners with their boat were on the beach, but made no effort to recover their property; — and I did not deem it right to take the boat, as I could not connect it with the net. I cannot say who the persons were, it being dark I did not see any of them, but the person with me said he saw one of the men on the beach standing there.

I Have &c
John W Kerr
F. O.

Hon: Comfisioner,

Sir,

2d Dec: 1865

Will you be pleased to furnish me with a copy of your conviction on oath on or about the 8th of Augt last, against Capt James Ware, for anchoring his Schooner on the fishing station of Mr Thomas Armstrong at Burlington Beach; in contravention of the fishing act, and oblige

Yrs respectfully
John W Kerr
F. O.

John Wesley Hopkins Esq
&c, &c, &c,

Confidential

Private – Heard from Mr Taylor – who lives on Fred^k Hughsons place beyond the Bay – that persons in his neighbourhood whom I believe to be young Blake, John Smoke and his brother were threatening to shoot me if I went to stop them spearing by torch light –

And Mr Taylor also told me that some person in my confidence was continually putting them on their guard – this must be young Barnard – what a silly fellow he must be – Mr Taylor is down to Doctor Tyrer formerly of the Royal Hotel – Hamilton.

Dear Sir, Hamilton 4. Dec 1865.

Will you be pleased to furnish me with a Copy of your Conviction on view on or about the 8^th of Aug^t last. ag^t Captain James Ward for anchoring his Schooner on the fishing station of Mr Thomas Armstrong at Burlington Beach, in Contravention of the fishery Act, and oblige Yours Respectfully

John Wesley Hopkins Esq^re J.P. John W Kerr J.P.

J. Saltfleet. –

Dear Saltfleet 5 Dec^r 1865.

I have the honor to receive your letter of the 4^th inst. asking me for a copy of Conviction in the Case of Armstrong ag^t Ward – I must refer you to the Clerk of the Peace for the County, whom I believe filed my returns – as I have kept no copy of my Convictions in any Case, but as the law requires file them with the Clerk of the Peace. –

Had I kept a copy I should have been happy in furnishing you with one, and will be happy in obliging you in any manner in my power in this or any other Case

I am Sir Yours respectfully
J. W Hopkins

John W Kerr Esq.
J. Crawford &c.
Hamilton.

No. 2

Monday. On the alert watching and seeking information respecting the spearers.

No. 3

Tuesday. 5th Dec: 1865.
Proceeded to the B. Beach, received $5.25¢ from Benjn. Joyce, being Costs in suit against him see back
heard persons were spearing in the Bay near the Canal, — also heard that Daniel Wayne had publicly threatened to shoot me — in Frank's Hotel on Saturday previously — Isaac Prior and his wife gave me the information — Sam Fish they said was also present — went out at 8. a.m. came in at 5. p.m. — Miles 24 —

No. 4

Tuesday Night 5. Dec: 1865.
Proceeded to the Heights, accompanied by Con: Brown, Divine and Holmes — and Pat. Finnegan captured four boats — three spears and a large quantity of Herring, a light jack — arrested John Payne of Carlyle & and Thomas Kilington of Waterdown — See Report for particulars, went out at 5½ p.m. Came in at 4. a.m. — Miles 16.

Sir, 7. Dec: 1865.
I have the honor to report for your information that on Tuesday night last, the 5th instant, there were eight boats out on Burlington Bay, with torch lights — spearing for herrings; after considerable difficulty and obstruction thrown in my way I was at length enabled to muster four men with myself — and altho the alarm was given by a confederate of my approach;

I am happy to inform you that I have succeeded in this Case far beyond my expectation - having captured two prisoners - three skiffs four boats flat bottomed one light Jack and about 1500 herring - one of the prisoners Thomas Kilmington turned approver and today Miles Anderson, Robert Foster, Sam Forsyth, Thomas Shaw and Martin Shaw were each fined five dollars and Costs, John Warner two dollars and Costs - and John Payne ten dollars and Costs.

Some person stole a quantity of the herring during the night, the balance 600. I sold for the benefit of the department by Mr Cahills order. -

The boats are not of much value - the skiffs are good ones - and all are confiscated -

altho it is to be hoped that this Case ought to be a lesson to those persons breaking the law, I must say my belief still is it will not finally stop the practice. - all of which is respectfully submitted. -

Hon: Commissioner

I Have &c.

John W Kerr J.P.

J. Dec: 1865.

Urgent.

Sir. - I have the honor to report that on the 22d instant - Mr Whitcher who has promised to send me $100. on acct of disbursements for the past and present quarter, this want of money retards my active proceedings in the discharge of my duty - and the want of money still due for the past quarter is keenly felt by me. - Will you be pleased to let me have this one hundred dollars at once and without further delay and thus enable me to wind up the affairs of my first year as your Fishery Overseer. -

Hon: Commissioner

I Have &c.

John W Kerr J.P.

Wednesday, 6. Dec: 1865.

Attended the Police Court. John Payne was fined ten dollars and costs - for having a quantity of fish in his possession - went out at 7. a.m came in at 4. P.M - engaged all day getting out summonses ag^st, Miles Anderson & a. see my report - Thomas Kilvington having sworn information ag^st them. -

Thursday, 7. Dec: 1865. -

Attended the Police Court. and the persons named in report herewith were fined - lodged report ag^st Thos: Kilvington for spearing on the night of 5^th inst, went out at 8. a.m came in at 4. P.M - Miles 8. -

Wednesday 6. Sold 100 herring at 30¢ per hundred $1.80¢. to be accounted for to the department. -

## WEDNESDAY, DEC. 6, 1865.

### Police Court.

*His Worship the Police Magistrate Presiding.*

WEDNESDAY, Dec. 6.

VIOLATION OF FISHERY ACT.

The bay was illuminated last night by numerous "jacks" employed by fishermen who were engaged in spearing herring contrary to law, and Inspector Kerr, with a posse of assistants enjoyed a lively time in endeavoring to bag the delinquents. The Inspector succeeded in capturing four boats loaded with herring, and a quantity of spears, light jacks, &c., but the occupants of the boats on coming ashore and finding the vigilant Inspector on the watch for them, took to their heels and escaped, leaving their apparatus and unlawful spoils for confiscation. As the fishermen took to flight, a young man named Charles Payne, who was on his way home from the city, after having disposed of a load of wood, observed the excitement and ran down to the shore to ascertain the occasion, when he was pounced upon by the officers, brought to the city and lodged in the cells. No evidence appeared to indicate that the prisoner had taken any part in spearing the fish, but as he was captured in vicinity of one of the boats, Inspector Kerr claimed that he must have been at least in temporary possession of the fish. A fine of $10 was therefore imposed upon Payne. Mr. Thomson took up the case for the prisoner, and entered an appeal against this decision.

The Court very properly took an account of the property that had been confiscated, and directed that it should be sold by auction, and returns made to the proper authority.

FISHING WITH SPEARS CONTRARY TO THE ACT.

John Payne was indicted 1st, for spearing herring on Burlington Bay contrary to the act, 2nd, with being in possession of a number of herring so taken. The accused was defended by Mr. Thomson.

Mr. Kerr stated that on Tuesday night he saw seven or eight boats on the Bay fishing by means of lights and spears. He watched them and getting the assistance of constable Brown he proceeded to the shore. He there saw prisoner in one of the boats with three spears in his hand and took him into custody. In the boat in which he saw prisoner he found about 300 herrings, there were other boats on the shore near by in all of which herrings were found amounting in the whole to the number of 3000. The other parties who were fishing, getting the alarm, decamped, and the prisoner was the only man near the boats when he arrived.

Constable Brown gave similar evidence. Prisoner stated that on the day in question he was in Hamilton selling wood and returning at night he stayed to supper with his brother in law John Warner, who is toll keeper, after supper he was strolling along the Bay when he saw the boats with the fish, from one of which he endeavored to take a few herring for the purpose of carrying them home. He had no sooner got into the boat than Mr. Kerr and Constable Brown came up and arrested him. He had never fished in his life. Prisoner's father gave his son a good character and said his only fault was that he was a greenhorn. Fined $10.

Mr. Thomson gave notice of appeal.

The fish boats and spears taken were confiscated by the Magistrate.

The defence set up was, that the prisoners had broken the law in ignorance. It appeared that the *Evening Times* had published, (no doubt inadvertently,) some misrepresentations concerning the provisisns of the Act, and the prisoners led astray by these misrepresentations, had offended ignorantly.

Fined $5 each and expenses.

Great praise is due to Inspector Kerr for the active manner in which he has performed his duties.

MORE PROCEEDINGS UNDER THE FISHERIES ACT.

This morning the Court was crowded in consequence of a report that a number of prosecutions under the above Act would be heard. The following persons were separately summoned for spearing and being in possession of fish unlawfully taken on Monday night. John Warner, Miles Anderson, Thos. Shires, Chas. Shires, Martin Shires, Robert Foster, and Samuel Foreside. Mr. Waddel prosecuted and Mr. Thomson defended the prisoners.

Inspector Kerr gave evidence similar to that published in the *Spectator* of Wednesday. He stated that he observed seven or eight boats fishing with spears and jack lights on Burlington Bay on the evening of Monday. He arrested Payne who was yesterday convicted and fined ten dollars by the Court. He could not identify any of the accused parties.

John Warner's case was first heard. Inspector Kerr stated that after capturing Payne he observed another boat with a man in it above the bridge. He surrounded the pond with assistance he had procured, but the man managed to escape, leaving the boat and the hat, coat, and gloves produced behind it was Warner's boat.

Thomas Kilvington stated, I was one of the party fishing on Burlington Bay on Monday night, Warren was another of the party. I was in his boat sometimes rowing and sometimes spearing. I was arrested on this charge and was promised by Inspector Kerr and constable Brown that if I informed against my companions and gave evidence that would convict them at this Court I should not be prosecuted either upon this charge or upon another in which I am accused of threatening a Policeman. I have accepted their terms. I am a Blacksmith by trade and live at Waterdown.

Edward Anderson deposed. I know last witness; he is a man who "never drew a sober breath"; I believe any one could bribe him to anything for a glass of liquor; he is not a man upon whose testimony any reliance can be placed.

His Worship asked witness "what is the common report in the neighborhood as to his veracity." Witness, "that he is a blacksmith."

The other cases were next disposed of, in all of which Kilmington gave King's evidence against his companions, and in some where this was not considered sufficiently conclusive, John Warner, whose case was first heard, corroborated him. For this service to the prosecution Warner was not without his reward, as on the recommendation of Inspector Kerr, he was fined in the mitigated penalty of $2.

Sir — 7. Dec/65.

I have the honor to ask Mr Whitehead to be pleased to have my appointment re-made under the New Act, specifying the extent of my territory so that I may be enabled to take the oath of office. —

The time is just approaching when I must make my personal tour and ascertain for him the quantity of fish taken by each fisherman during the current year. —

I will feel greatly obliged by having the Country from Guelph down the Grand River, Port Dover, Long Point along Lake Erie to Niagara River, and thence along the borders of Lake Ontario to Port Union Station of the G. T. Ry inserted in my appointment under the New Act. This Mr Whitehead when here was kindly pleased to say he would have done. —

I Have &c,
John Wilkes — P. A. —

Hon. Commissioner,
F. F. & F.

(No. 8)

Thursday — 7th. Dec. 1865.

Proceeded to the depot — Hamilton, remained there for several hours watching — no person appeared to be out either netting or spearing — went out at 5. a.m. came in at 12. N. —

Received # 11. fries ("half") in care of John Payne, Miles Anderson; Thomas Shears and John Warner. —

(No. 9)

Friday — 8. Dec 1865.

Proceeded to Hamilton, and took out a Warrant to arrest Thomas Kilvington for fishing in Bay on 5 inst — Mr Carlile issued the same. — went out at 9. a.m. came in at 4. p.m. — Miles 10. —

Received information from Sam Fish — that about the middle of the day — was the time to

catch the fishermen coming in off the Bay – that they always came in to the Point where a horse and waggon were always ready to take away the fish. –

Sir, 11th Dec: 1865.

I have the honor to send you herewith the affidavit of Sam: Anderson the father of Miles Anderson, committed on the 9th inst before James Cahill Esqr for spearing herring &c. –

And at the request and by order of the Cahills have given back Sam: Anderson his light jacks. I have &c

John W Kerr
J. P.

Hon: Commissioner
&c &c &c

Sir 11 Dec 1865.

I have the honor to report for your information that on this day I had Thomas Kilvington committed before James Cahill Esqr in the sum of $5 and costs for spearing herrings by torch light, on tuesday night last in Pinsuligton Bay –

Kilvington is the person upon whose evidence I committed this person out of the seven: please refer to my report of the 9th instant, – and if it meets your approbation I would like very much to have him forgiven the fine – for the service he has rendered to the department – I am myself the complainant, and of course with your approval I forgive him half the fine, but Miles Anderson who stept forward as a witness may and no doubt will look for his costs – Will you be pleased to instruct me in this case.

I Have &c,
John W Kerr
J. P.

Hon: Commissioner
&c &c &c

vol. [illegible]

I have the honor to enclose you a copy of the Warrants issued by John Wesley Hopkins Esq. J.P. for my arrest and committal to gaol at Hamilton also copies of the receipts for the amount $28.70 paid by me to the Constable, under protest. —

Mr Whitcher directed me on the 22nd ultimo to obtain those copies and hand them over to the department at Quebec which I have much pleasure now in attending to. —

1st Mr Hopkins warrant at the suit of "George W. Krell — $9.75¢
2nd do. Duncan McGillivray — " 18.95
Total $28.70¢

Per the enclosed copies of a Notice of Action served by Mr R. R. Waddell in those cases and his letter explanatory of the proceedings you will learn that Mr John Wesley Hopkins has been guilty of a breach of faith by his extreme action against me. Neither Krell nor McGillivray nor yet their Attorney Mr Charles A Sadlier had advised him to the extreme course he has seen fit to take in this matter. —

I Have &c
Hon: Commissioner, Lobstick Ker P.O.

Lobstick Ker P.O.
14 Dec: 1865

Sir, I have the honor to acknowledge the receipt of your instructions allowing spearing for bass, pike and pickerel, both in day time and by torch light in Burlington Bay and Dundas Marsh — the same being from this day to the 1st of March — and which I immediate promulgated for the information of all concerned. —

I Have &c
Hon: Commissioner, Lobstick Ker P.O.

(No. 10.)

14. Dec: 1865. –

Proceeded across Hamilton yesterday and to day making known to members of the County Council of Salt fleet and Islands East Barton and other interested parties that the Hon: Commissioner of Crown Lands had allowed spearing for bass, pike and pickerel – from this day until the 1st of March next in B. Bay and Arnolds Marsh –

(No. 11.)

18 Dec 1865.

Attended before Jas Cahill Esqre J. P. in the Case agt Dan McLoyne adjourned the Case was dismissed – thence to Burlington Heights – heard that two sail boats with Nets on Board – were at Carolls point and Rock Bay – about a week previous (Chas Lee informt) Went out 8 am came in at 6. P. m – Miles 12. –

Friday 22 Dec: 1865.

Received cheque No 699, for $100, from S. P. Bouchet, J. P. Crown Land department – on acct of disbursements &c for Half year ending 31 of Dec 1865. –

Notice to Danl McLoyne. –

Kane v McLoyne. } Fishery Act. –
Take Notice that this cause has been adjourned until Monday the 18. of December 1865 at 9 am.
James Cahill. –
Police Magistrate. –

Dated 14. December 1865. –

Sir

18 Dec. 1865.

I have the honor to report upon the annexed return of Rents due to the department by the Fishermen resident at Burlington Beach, —

1st By my remarks opposite each many name you will please find exactly what my enquiries have resulted in. —

2nd I am satisfied many of the persons are exceedingly poor and unable to pay even what you proposed and to enforce payment by law would be to inflict a great and lasting injury on the persons alluded to. —

3rd Mr Joseph Perry, and Mr Thomas Armstrong paid in full for the year specified, and I sent you in the receipts of the late Superintendent to that effect on the 26th of August last. —

As fishing has not been by any means so lucrative for the past three years on B. Beach as heretofore, and as material for mounting and making nets is much dearer owing to the late troubles in the United States — I hope you will be pleased to pardon me if I take the liberty of recommending that the amount opposite each persons name be written off, and that no further claim be made hereafter on any of the persons named but that you will be pleased to forgive them — for the best and most cogent reason, that they are not able to pay. — — I Have the Honor

&c &c &c

Hon^ble Commissioner of Q. W. &c

John Waters
J. C.

Private, Hamilton, 21 of Dec: 1865,

Dear Sir, — Mr Whitehead, when here on the 23rd of last month promised to have sent me $100. on acct of the past and present quarter, --

Now the fact of the matter is I am in need of money; as my official letters will have already shewn you, and will feel greatly obliged by your sending me $100 or $120. on acct of the two quarters alluded to. ---

In a few days the last quarter of the year will terminate - when I mean to be punctual in sending in my account of expenditure and disbursements for said quarter ending 31st of December 1865. --

I hope you will in the absence of Mr Whitehead oblige me in this matter and forgive me for troubling you you. ---

I am, Dear Sir,
Yours truly,
John W. Kerr
J. O.

S. P. Bousat, Esqre.

P.S. -

Your last letter for Mr Whitehead is still in my possession, - waiting his arrival here. ---

J. W. Kerr.

Dear Sir, — 23. Decr 1865. -

I have the honor to report for your information that on going to the Police station to-day "King William Street" to take away a fish spear and lights "Jack" had left there some time ago "for safe keeping" - I found that the spear had been forcibly taken from off the handle and carried away by some person or persons unknown. -

I have the Honor &c
John W. Kerr
J. O.

Capt. W. Nicolls, -
Chief of Police,
Hamilton

25. Xmas day, took my oath of office,

Tuesday, 26. Dec. 1865.

Proceeded to St. Catharines by train $1.00, thence after dinner 50¢ by stage 50¢ to Niagara, — Thence to the Queenston 1.50 by Horse and buggy, — Bed 25. supper 25¢ — breakfast 25¢ Horse & buggy to Port Dalhousie and St. Catharines $2.00, refreshment on road 50¢ — Railway fare $1, ferry fare at P. D. — 10¢ — went out at 8. a.m. — came in at 6. p.m. — 27th. Wednesday — Mile

See all the particulars in my report of 27. Dec. 1865 — this! —

Sir:

I have the honor to apply to you for the following Leases, which I hope you will be pleased to send me with as little delay as possible —

Niagara,

1. James Cantwell for nine years — the fishing station at present occupied by him and to run to a given point two rods west on the sand bar at and in front of four mile run — rent, thirty dollars a year payable in advance, each year on the 1st of January. —

2. Messrs John Bolton, and Wm. W. Clench — for Nine years — being from a point 300, yards south of Paynter's pier — to the two mile run, as at present occupied by them; at the yearly rent of $20. payable in advance each year on the 1st of January —

3. Thomas Elliott — the fishing station at present occupied by him — for one year at $26, per year commencing on the 1st of January next. —

4. Pat McNamara for Nine years, being from Paynter's pier to a point 300 yards south thereof until it meets the northern limit of Messrs John Bolton & Wm. W. Clench's fishery — rent $10. per year — payable in advance on the 1st of January. —

Cont'd

5. Alex: Keith - for one year, at ten dollars per year - payable in advance on the 1st of January - a license to fish gill nets for White fish, S. Trout, pickerel - herring and ciscos. -

6. John Hare - for one year at ten dollars per year payable in advance on 1st of January - a License to fish gill nets for white fish, salmon trout, pickerel ciscos and herring. -

7. Patrick Hare, — do — do. — do. -

8. Peter Neth, Licensed for one year from 1st of January at $5. per year to fish gill nets for white fish, S Trout, pickerel, herring and ciscos. -

Queenston,

9. Henry Shoppee, the fishing station No: 142 as at present occupied by him for nine years at 30¢ per year payable in advance on 1st of January in each year. —

I have just returned from Niagara &c, and have much pleasure in submitting the foregoing for your consideration and approval. —

My object in submitting these names thus early, is to enable them to prepare in time for the coming season. — I sailed start in the morning for Long Point Lake Point, Port Dover &c, and on Saturday next, will enable I hope to report thereon for your information. —

I Have &c.
John W Kerr
J. O

Hon: Commissioner,
U. S. F.

Thursday 20 - Aug 1885,

Proceeded on trip to Pt. Dover as per Mt Hope - returned a storm storm coming on; delay for another day - went out at 9. am came in 3. p.m. — miles 20. —

Friday — 29 Dec 1865.

Proceeded to B. Beach collecting returns of fish and other statistics, to enable me to submit my report for year — heard a man is fishing at Brants and another at Beamsville — went out at 8. a.m came in at 10. p.m — Miles 30. —

found Sam'l Lorey in the act of carrying a long of white oak from a tree he had cut down — on the Beach — also found him and his father chopping up a tree on Sam'l Lorey's garden — a half mile. —

Saturday, 30. Dec; 1865.

Proceeded to Toronto, thence to the Islands — and examined Co'l Norman relative to his application as d. Harbor Keeper, — also went for the purpose of getting returns — fish for year — and to arrange for the next year Letting — went out at 7. a.m returned at 8 p.m Miles 88. paid Railway fare $2. for boat across the Bay and man $1. — for further particulars see my letters of this day. —

30 Dec 1865.

To enable me to proceed to Long point, Port Dover Port ~~Colborne~~ Wellland, Cayuga, turkey point, peacock pt, and Duffin's Creek to examine and enquire about the fisheries — it will be necessary to supply me with funds — and next week I will send in my return for the quarter ending 31. of Dec.

I have a list of the fishermen at the greater part of the above places, and would like to have about twenty copies of the act when I go round then if it meets the approbation of the Hon.ble Commissioner Speaking for bass pike and pickerel might be allowed at Long point and turkey point

I Have &c
John W Kerr
J. C.

Hon.ble
Commissioner
J. H. V.

Sir

30, Dec: 1865. —

I have the honor to report for your information that the following fishermen have fished this season in Scarborough &c, and who did not pay rent nor licence.

At Scarboro,

1. John Mollard, 2 Leonard Marsh, and Jas: Goodwin,

At Pt Union,

4 John Lackey, 5. Robt Perry. — at Freeman's Bay — 6. a person to me unknown. —

I have obtained a return of the fish caught by the above persons which I will include in my return for the year and when appointed from Toronto to Duffins Creek will have them at once take out leases or licences for year 1866. —

I have &c

Hon: Com: of Crown Lands, Quebec

John W Kerr
J. P.

Sir,

30. Dec 1865.

I have to report for your information that it will be necessary to have a By Law passed under section 4 — Regulations —

Philo Bates and Dan: Whitmore are now fishing for licences which the land at Pt Dalhousie on Gov: ground and I hear they are determined to fish in defiance of the Law. please have a By Law passed and I will soon stop them. —

I have, &c.

John W Kerr
J. P.

Hon: Commissioner of Crown Lands

Sir

3, Jan: 1866.

I have the honor to enclose your herewith cheque No 16. for three dollars being the amount of rent paid me by Thos: Armstrong for his fishing station — Burlington Beach — as per the enclosed (Copy) of his lease.

I have &c

John W Kerr
J. P.

Hon: Commissioner of Crown Lands

30. Dec. 1865.

Sir, I have the honor to apply for the undermentioned -

Leases, commencing 1st of January next.

1st Messrs. George Drummond, David Ward, and Pat Gray, fishery as it is now occupied by them - for 9 years at the annual rent of $50, payable in advance on the 1st of January in each year -

2d Pat Gray, a lease for 9 years of the island of the island Toronto at the rate of $20. per year payable each year in advance on the 1st of January. -

3rd Robert Perry, a lease for 9 years from the Harbor to the entrance of the Harbour at Port Credit at the rate of $20 per year payable in advance on the 1st of January each year. -

Queenston,

4, David Wood, fishing station No: 3 + 18, Queenston Heights for 9 years at $4, per year payable on the 1st of January each year in advance. -

5th Joseph Gabriel, fishing station No: 1, and No: 13, Queenston Heights for 9 years at ten dollars per year payable in advance on the 1st of January each year. -

I have the
honor to
Sir, Your
Obt Servt
W. Ker
A. C. -

P. S. -

Filling up the lease, "if done at Ottawa" be particular in leaving the legal distance open and free at the mouth and entrance of the Harbour, Niagara and Credit,

W. K. -

30 Dec. 1865,

Sir, In reply to your letter of the 26, instant, relating to the application of Mr George Drummond, the Lt. House Keeper, Toronto Island, to have a part of the island set apart for the Keepers premises. -

I have the honor to report that I consider four acres of land properly fenced in, would the premises amply sufficient for his purpose. - At present the Light House and other buildings stand isolated or rather naked looking. The lake where fishing is carried on is at least four hundred yards from the Light House. I beg further to explain that such being the case, the leasing of the fishery around this point (Gibraltar) cannot interfere in any way, with the Light House, Light House Keeper, nor inconvenience him in the slightest degree.

Hon Cornelius Krieghoff

W. Ker

John W Kerr, in acct. with The Crown Land department,

| | | | | |
|---|---|---|---|---|
| 1864, | | | | |
| Dec 16, | To amount of pay for month of December, in advance .... | | 25, | |
| 16, | To amount of disbursements. -- | | 20, | 45 00 |
| 1865, | | | | |
| Jan: 4, | 5. 6, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 30, 31, — in all 21 days at $2, | | 42 00 | |
| Feb, 6, | 7, 9, 10, 11, 12, 13, 15, 17, 18, 22, 23, 24, 25, 27, 28, in all 16 days at $2, | | 32 00 | |
| Mar; 1, | 2, 3, 4, 9, 11, 14, 15, 16, 29, 30, 31 = 12 days | $ 2 | 24 00 | |
| | To payment for stationery. -- | | 2 00 | |
| " | To paid amount of R. R. Maddell's acct No: 1. | | 14 00 | |
| " | To Mr Start for pleading Case No: 2, | | 15 00 | |
| " | To amount of fines and costs on myself and Mr Glagan, certificate of County Attorney. No: 3. - - | | 26 00 | |
| " | To paid amount of Constable Mr Glagans acct in full, No: 4 | | 18 00 | 173 00 |
| 1865 May 15 | To 6 months salary ending on the 30, June 1865, | | 50 00 | |

| | | | |
|---|---|---|---|
| 1865, | By Balance 31. December 1864 | 10 00 | |
| May 15 | " cheque May for balance to 31 of March 1865. - - - - | 163 00 | 173 00 |

Official cheque No: 749. —

173 00

May 15. 1865. By cheque No 748, received for said amount. — 50 00

Sunday 7. Jan 1866.

Proceeded to Mr. Bay, accompanied by my son George, Prince Arthur, Thos Hunt, and Wm Kell, spending an hour at fish house — went out at 3. Dem came in at 4. P.M. catching 20 — large fish, half 2. — Report as follows, viz:—

8. January 1866. —

Have the honor to report for your information that on yesterday Sunday I took a race on foot down to Burrard Inlet Bay, near the Beach where I found Prince Arthur and Thomas Hunt, at John Hynes fish-house spearing and an another Runner Wm Kell — they had left fish between them. —

I have this morning they went before John Morley Hopkins Esq. J.P., and pleaded guilty to the offence as to have costs of Summons &c. &c. Where I have the fact I could report thereon. —

I have &c.

John McKee

Hon: Colonial Secretary &c. &c. &c.

abstract of diary. —

1865.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Oct. | 5th. | miles | 20. | Horse & buggy | | | | ~~Ho~~ |
| | 9. | " | 24. | do, | Nov | 18 — | 15 | Boat |
| | 13. | " | 20. | do, | | 20 — | — | — |
| | 14. | " | 20. | do, | | ✱ 21. | 88 | R. Train |
| | 15. | " | 20. | do, | | 23, | 26. | H & buggy. |
| | 20, | " | 16. | do, | | ✱ 25. | 88. | R. train |
| | ✱ 26, | " | 68. | R. Train, | | 25, | 10, | Boat, |
| | 29, | " | 28, | Boat, | | 26, | 18. | H & buggy |
| | 31, | " | 18. | Boat, | | 26, | 30 | Boat |
| Nov | 3. | " | 20. | Horse & buggy. | | 28, | ~~30~~. | ~~Bo~~ |
| | 4. | " | 18, | do, | | 28 — | — | — |
| | 7. | " | 20, | walked. — | | 28 — | 16. | Boat |
| | 8, | " | 12. | Boat, | | 29 — | — | — |
| | 9. | " | 28, | walking H & B | | 30 — | — | — |
| | 11. | " | 28, | H & B. | Dec | 1st 3 | 30. | Boat |
| | 16. | " | 18, | H & B — | | 4 — | — | — |

Total, 16. days & nights

Total 31 —

| | | | | | |
|---|---|---|---|---|---|
| Dec 5, | 24 — | H & B — | | | |
| 5 | 16, | Boats | | Total 43, at $2 per | $86.00 |
| 6, | — | — | | Waddell's afat — | 6.00 |
| 7 — | 8. | Walked | | Jerusan, — | 9.00 |
| 8, | — | — 1 | | Diana — — | 17.50 |
| 9, | — | — 1/2 | | Outcharges | 6.20 |
| 14, | 12 | — — | | postages & discount | 1.00 |
| 18, | 12 | — | | | $125.70. |
| ✱ 26 | 180. | Train H & B | | Cr. By fine | 78 |
| 28 | 20 | H & B 1/2 | | Herrings — 1.80 | 79.80 |
| 29 | 30 | do | | | $45.90 |
| ✱ 30 | 88 | R. Train | | 28 1/2 | |
| | | Tl 43 | | 2 | |
| | | | | 57 | |
| | | | | 16 | |
| | | | | 4.50 | 83.20 |
| | | | | 1.00 | 78.57 |
| | | | | --07 | 161.77 |
| | | | | $78.57 | 100 |
| | | | | | $61.77 |

Sir,

4. January 1866,

I have the honor to submit for your ~~information~~ approval abstracts of my diary for the quarter just ended; where you will find a mark thus ✱ the per diem is not sufficient to cover expenses; I hope my explanation, and the duty performed, will be sufficient to justify you in allowing me my act in full

| | | | |
|---|---|---|---|
| 1st Qr. Oct 26 | The Railway fare to, and from Pd. Credit and Hamilton | 1.60 | |
| | " Dinner at Springfield | 50 | |
| | | 2.10 | |
| | By allowance | 2.00 | 10 |
| 2 Nov: 21, | " Railway fare to Toronto and back to Hn. | 2.00 | |
| | " Dinner at Toronto | 50 | |
| | | 2.50 | |
| | By allowance | 2.00 | .50 |
| 3rd Qr. " 25 | Railway fare to Toronto and back to Hamilton. | 2.00 | |
| | " Dinner at Toronto. | 50 | |
| | | 2.50 | |
| | By allowance | 2.00 | 50 |
| 4. Dec: 26, | " Railway fare to St. Catharines | 1 00 | |
| | " Stage fare to Niagara | -50 | |
| | " Horse & buggy to Queenston | 1.50 | |
| | " Dinner bed and supper | 1.00 | |
| | | 4 00 | |
| | By allowance | 2 00 | 2.00 |
| 5, | Breakfast | -,25 | |
| " 26, | Horse & buggy from Niagara to Pt. Dalhousie and St. Catharines | 2 00 | |
| | Refreshments, Raining all day. | -50 | |
| | Ferry boat. Pt. Dalhousie | 10 | |
| | Railway fare St. Catharines to Hamilton | 1.00 | |
| | | 3.60 | |
| | By allowance | 2.00 | 1 60 |
| 6, | R. fare to Toronto and back to Hamilton | 2.00 | |
| | Dinner | -,50 | |
| | Boat & man to cross to the Island | 1.00 | |
| | | 3.50 | 1.50 |
| | | 2.00 | $16.20 |

I will consider ample justice done me for the quarter ending 31. of Dec: last, if the remainder of my afst together with this overcharge of $6.20, is allowed me in full. —

I can assure the Hon: Com: I have had to fly round, and have done a great deal more duty; for which I make no charge. —

I also enclose receipts from Constables I have been obliged to employ to assist me during close season in the Bay: which I hope will meet with your entire concurrence — all of which is most respectfully submitted.

I Have &c
John Waters M. O.

Hon Ble Commissioner.

P. S. — In addition to this amount 6.20, there is 5¾, I paid for bills in exchange for silver — and about 48¢ postage —

John Waters.

Sir,

4. January 1865.

In submitting to you my diary and account of expenditure for quarter ending 31. of Dec: last, you will find receipts for $2.6½ being amount allowed Policemen assisting me during the quarter. This amount was incurred on ten different nights and days I had them on the Bay and Dundas Marsh — and while each policeman receives a dollar for this service, after I pay 12½ per hour for the boats used on the occasions referred to, in some instances nothing will be left to compensate me — I can say with the apostle of old — "I have toiled all the night and have taken nothing". I have now leave the matter in your hands. — Mr R. R. Waddell prosecuted in the spearing cases, his receipts you will please find herewith. — I hope you will be pleased to audit my afst soon and remit the amount. —

I Have &c
John Waters
M. O.

Hon Commissioner.

Sir,

4. Jany 1866.

I have the honor to report for your information that since Mr Whitcher visited Burlington Beach, a good many of the Oak trees, have been cut down and carried away and burned; on friday last the 29 — I saw Saml Corey in the act of taking away a piece of a white oak tree he was, after cutting down, John Dyne has cut down several oak trees within the fences. — Will you be pleased to instruct me what course I shall pursue in this matter —

I have &c

John W Kerr
Jr. O

Mr Conifer

| | | | Dolls. | Cts. | |
|---|---|---|---|---|---|
| 1865 | | | | | |
| May. | 8. | By Cash received this day, from Mr James Cantwell, for his fishing station for the year 1865. - - | 30 | 00 | |
| " | 8. | By Cash received this day from Mr Henry Sheppard for his fishing station for year 1865. - No: 1 & 2, | 40 | 00 | |
| " | 8 | By Cash received this day, from Mr John Bolton, for his fishing station, for the year 1865. - - | 20 | 00 | 90 00 |
| 1865, | | | | | |
| May | 10. | By Cash received as is supposed from Daniel Derro, Queenston | 3 | 00 | |
| " | 12 | By Cash received from John Wadsworth, Queenston — | 9 | 00 | |
| " | 12 | By balance on hand, silver from previous acts — | 11 | 00 | |
| " | 22 | By Cash received this day from John Wadsworth on acct of fishery at Queenston — | 2 | 00 | 25 00 |
| | | deduct — Cash on hand on 12th May, in silver counted in said $90 — but since forwarded see 19. May — | | | $115.00 |
| | | | | | 11 00 |
| 29 May | | — Total sent to Quebec | | | $104 00 |
| June 16. | | To cheque received for deposit in Bank | | | 90 |

1865.

May 12. To amount deposited this day in the Bank Montreal, Hamilton, to the credit of the Hon^ble Commissioner of Crown Lands - Fishery Branch, as per receipt - 79 00

" " To Cash in hands - in Silver to Balance this a/c^t - - 11 00

90 00

1865

May 19. To amount deposited in Bank of Montreal this day to the Credit of the Hon: Commissioner of Crown Lands - - - 11 00

" 27 To amount deposited in Bank of Montreal to the Credit of Hon: Com: of Crown Lands Fishery Branch - received cheque & forwarded same 27th inst, per letter of said date 14 00 25 00

$115.00

deduct, Cash on hand on 12 May, in Silver, counted in said $90, but since forwarded, 19. May 1865. 11 00

May, 27. — Total sent to Quebec - - - - $104.00

June 16, By cheque sent to Quebec this day No: 112, 70.00.

1865.

June 10. To License delivered this day to Thomas Armstrong - Station No: 7, received Note six weeks date for amount. 10 00

June 10 To License delivered this day to James Waddell ~~on order~~ ~~the~~ station No 19, received note six weeks after date for amount 8 00

June 10. To Licenses delivered this day to ~~James Waddell~~ John Laaffe station No: 3 received note two months after date for amount. 8 00

June 10. To license delivered this day 10 00 x

~~June 10~~. To Dan McGrain

June 10. To license, delivered this day B. Joice 8 00

June 14 To License del^d to Fred Lorey 10 00 x

June 15 To License del^d to DeWard, Geo Durnon and Pat ~~Ward~~ Gray 50 00 x

June 17 To License issued to Mrs Ann Sherbenall 8 00

June 17 To License issued to Joseph Gable 6 00

| | | | |
|---|---|---|---|
| Jun 10 | By Cash on acc | 1 00 | |
| Jun 10 | By Cash received in full | 10 00 | |
| | By Cash received in full | 8 00 | |
| Jun 14 | By Cash recd Fred. Corey | | 10 00 |
| " 15 | By Cash recd from Mrs Dillard | 10 00 | |
| | Jas Duncan & Pat Gray | | 50 00 |
| Jun 17 | By Cash received from Mrs Annie Sherbenale | 8 00 | |
| Jun 17 | By Cash received from Joseph Gable | | 6 00 |

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Monday 8 of Sept 56
Warning 10